

# bulletin

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## UNITED NATIONS CONFERENCE ON ROAD AND MOTOR TRANSPORT

### A Report on the Preparation, Formulation, and Signature of a World Convention on Road Traffic

by *H. H. Kelly*

A new world convention for the facilitation of international traffic by highway was formulated at a United Nations Conference on Road and Motor Transport held in Geneva, Switzerland, from August 23-September 19, 1949. Representatives of 20 nations including the United States signed it.

The agreement, entitled "Convention on Road Traffic,"<sup>1</sup> establishes a basis for world-wide uniformity in the reciprocal recognition of motor vehicle registration certificates, drivers' permits, and customs bond; the identification of vehicles in international traffic; rules for safe driving; equipment requirements, including brakes, lights, and other technical characteristics; permissible maximum dimensions and weights of motor vehicles; and definitions.

The net effect of the new convention, which in many respects reflects United States practices and recommendations, will be to simplify and promote international motoring into and through all nations which become parties thereto and to contribute to the convenience and safety of motorists operating under its provisions. It is expected also to bring about eventual reduction in documentation fees which, with the considerably more important item of high-ocean-transport costs have been among the deterrents to expansion of international travel by automobile.

<sup>1</sup> U.N. doc. E/CONF.8/47. Printed copies of the convention will be available early in 1950 from the International Documents Service, Columbia University Press, 2960 Broadway, New York 27, N. Y.

The next step to be taken is the submittal of the convention to the United States Senate for its advice and consent to ratification by the President, and this action will probably take place early in 1950. If Senate approval is given promptly, and if during the coming winter at least four other countries ratify or accede to it, the new treaty could become effective in the United States before the motoring season of 1950 and American motorists next spring and summer could take their automobiles to Europe for the first time with recognition of their home-state documents and with identification as "USA" travelers.

It is not anticipated that United States acceptance of the convention will require any changes in motor vehicle laws in this country, nor will it entail any additional expense to public authorities.

#### BACKGROUND<sup>2</sup>

United States motorists, who today operate a total of more than 35 million private automobiles, have always shown an interest in traveling beyond their own frontiers. The largest volume of travel has been into Canada, Mexico, and Cuba, but automobilists from this country have also made the longer and more expensive journey to Europe in considerable numbers. In 1949, about 3,000 United States cars have been taken to Europe for tour-

<sup>2</sup> For additional material on American interest in international motor travel, see BULLETIN of Dec. 7, 1947, p. 1063; and present issue, p. 889.

ing purposes. The necessary documentation for these cars, however, has been provided largely by virtue of courtesy arrangements between American motoring associations and the corresponding organizations in foreign countries; Americans have had to become, in effect, foreign motorists (so far as identification of both drivers and cars was concerned) before they could drive in Europe. This condition resulted from the fact that the United States had never been able to adhere to two international conventions on the subject adopted at Paris in 1926. The deficiency was remedied, at least on a regional basis, by a Convention of 1943 on the Regulation of Inter-American Automotive Traffic, but this treaty relates only to motoring in the Western Hemisphere.

In Europe itself, of course, the volume of international motoring among the various countries has been large, comparable to that between the United States and Canada and Mexico. On the other continents, where motor vehicles are less numerous, the number making extensive trips abroad has naturally been smaller, but this number has not reduced the need of most countries for participation in international agreements as an essential convenience for their citizens.

Ever since the end of World War II, need for broad revision of the Paris conventions and for certain improvements in the more recent Inter-American convention, has been generally recognized. One of the earliest pronouncements on the subject in this country came from the American Association of Motor Vehicle Administrators, which at its annual meeting in 1947 adopted a resolution recommending "that a new international automotive convention capable of application in all countries of the world, and designed to meet present-day conditions and standards, be established."

The Transport and Communications Commission of the United Nations, at its second session at Geneva in April 1948, recommended that a conference be convened to conclude a new worldwide convention, which was declared to be "urgently required." The Economic and Social Council of the United Nations (Ecosoc), on August 28, 1948, therefore, instructed the Secretary-General to convene a conference of governments for this purpose, "not later than August 1949."<sup>2</sup>

In the autumn of 1948, the Inland Transport

Committee of the Economic Commission for Europe (ECE), under instructions from Ecosoc, began intensive work on the preparation of a draft convention. Representatives of the United States participated in this task, which was completed early in 1949. The working papers for the conference were then distributed to the 59 member states of the United Nations and to 11 other states which had been invited to participate in the United Nations Maritime Conference of February and March 1948: Albania, Austria, Bulgaria, Finland, Hungary, Ireland, Italy, Portugal, Rumania, Switzerland, and Jordan.

The working papers, which included the ECE draft text and the 1943 Inter-American convention, together with a number of useful supplementary reports prepared by the United Nations Secretariat, formed the basis for discussion at the Conference this year.

#### UNITED STATES POSITION

The care with which the official position was prepared for the United States delegation accounted in large measure for the success of American efforts at the Geneva conference.<sup>4</sup> On September 20, 1948, the Department of State announced that discussions would be held with interested groups regarding the United Nations plans for a new international convention. On September 21, representatives of motoring and trade associations and other private agencies met at Washington to give their preliminary views to

<sup>4</sup> BULLETIN of Aug. 22, 1949, p. 262. The members of the U. S. delegation were as follows: *Chairman*, H. H. Kelly, Office of Transport and Communications Policy, Department of State; *Vice Chairman*, H. S. Fairbank, Deputy Commissioner of Public Roads, Department of Commerce.

*Members*—M. C. Connors, President, American Associations of Motor Vehicle Administrators; J. H. Hunt, Consultant, Automobile Manufacturers Association; C. A. Horan, Legal Assistant to Commissioner of Customs, Department of the Treasury; Serge Koushnareff, Acting Chief, Transportation and Communications Branch, Office of International Trade, Department of Commerce; Edward G. Sparrow, European Representative, American Automobile Association and the American Automobile Touring Alliance. *Advisers*—J. W. Foley, Jr., Office of the Legal Adviser, Department of State; J. M. Cates, Jr., Foreign Affairs Specialist, Department of State; Mrs. Doris Whitnack, Chief, Transportation Branch, Office of Intelligence Research, Department of State; Douglas M. Clarke, Road Transport Adviser, United States Delegation to the Economic Commission for Europe; E. B. Sutton, Office of Military Government, United States, Frankfurt, Germany; C. F. Rogers, Highway Engineer, Bureau of Public Roads, Department of Commerce; Miss A. O'Rourke, Secretary to Chairman, Office of Transport and Communications, Department of State.

<sup>2</sup> Ecosoc resolution 147 B (VII).



the Department of State; and on October 11, a similar meeting was held with Federal Government representatives. These sessions were confirmed by minutes and correspondence with the participating interests, and a tentative position was prepared for a working party of the ECE Inland Transport Committee, which met at Geneva, November 18–December 1 with United States representatives in attendance.

From that session, came a working document, Draft Provisions for Insertion in a Convention on Road and Motor Transport,<sup>5</sup> which the United Nations distributed to all governments in March 1949. Again, the Department of State corresponded with the interested agencies, in April, and requested comments on this document.<sup>6</sup> The large volume of replies was analyzed and tabulated, and the final United States position was drawn up in the Department of State during June and July.

### Major Items

The major items in the United States position set forth proposals<sup>7</sup> on the title of the convention (changing the word "Transport" to "Traffic"), elimination of "for hire" operations, inclusion of annexes as integral parts of the convention, permissibility of requiring an international driver's permit, transfer of specifications on road signs and signals from an annex to a protocol, specifications for maximum permissible dimensions and weights of motor vehicles, and final provisions. Additional suggestions were offered in committee sessions.

By these means, the United States delegation,

<sup>5</sup> UN doc. E/CONF.8/3, Mar. 3, 1949.

<sup>6</sup> The list of those with whom the Department of State has made contact on this subject is as follows: the Governors of all the States, and the Commissioners of the District of Columbia; the Departments of the Treasury, Interior, Commerce, and Justice, the Interstate Commerce Commission, and the Bureau of Public Roads; the American Association of Motor Vehicle Administrators, American Association of State Highway Officials, and National Committee on Uniform Traffic Laws and Ordinances; American Trucking Associations, Inc.; American Road Builders' Association; Automobile Manufacturers Association; United States Chamber of Commerce (Transportation Department); Committee on Highway Transport, United States Associates, International Chamber of Commerce, Inc.; International Road Federation; American Automobile Association; American Automobile Touring Alliance; Automotive Safety Foundation; National Highway Users Conference; Highway Department, National Safety Council; National Association of Motor Bus Operators; and National Council of Private Motor Truck Owners, Inc.

<sup>7</sup> U.N. doc. E/CONF.8/26, Aug. 18, 1949, and E/CONF.8/29, Aug. 24, 1949.

representing the nation which operates more than 70 percent of all the motor vehicles in the world, was able to lay before the Conference a convincing array of sound recommendations supported by effective verbal explanations.

### GENERAL PROVISIONS

The basic assumption upon which the convention is predicated is set forth in article 1, which provides that each contracting state retains jurisdiction over the use of its own roads but agrees to their use for international traffic in accordance with the terms of the convention. Although such an article appears self-evident and a prerequisite to a convention on international traffic, the Conference had considerable difficulty in reaching an agreed text. The difficulty arose in connection with the relation of article 1 to chapter II on Rules of the Road. Some of the delegations apparently desired to overlook the international character of the convention and to emphasize as its primary purpose the regulation of internal, domestic traffic.

The problem was further complicated by a United Kingdom proposal that a distinction should be drawn between provisions in chapter II and those in chapters IV and V, relating to motor vehicles and drivers in international traffic, by providing in article 1 that each contracting state would take all practicable measures, by legislation or otherwise, in accordance with its constitution or system of law, to insure the observance in its territory of the principles and rules embodied in chapter II. The British contended that if such a distinction were not made, each party to the convention, by undertaking to apply the provisions of article 1 and chapter II, would be assuming an obligation to insure that such rules of the road would never be violated.

The United States took the position that the text of article 1 of the draft ECE convention was satisfactory and urged its adoption. It was pointed out that if the main purpose of the convention were kept in mind, namely, the promotion and facilitation of the safe and efficient movement of motor vehicles in international traffic, the ECE text adequately dealt with the problem and that the United Kingdom proposal was unnecessarily involved and complicated. The United States insisted that the convention applied primarily to international traffic and considered the purpose

of chapter II was to establish, in effect, an international code of minimum safety requirements. By indirection, the rules of the road set forth in the convention would apply to the pattern of domestic as well as to international traffic, but they were of such a general nature and were so widely accepted that it was not considered any difficulty would result in having them applicable to all traffic.

The United States position seemed to conform to the views of the majority of the states represented since it was the one that the conference finally accepted. It adopted article 1, with a few minor drafting modifications.

The preamble clearly specifies that the purpose of the convention is the development and safety of international road traffic. At the same time, it was agreed that "international traffic" should be defined as meaning "any traffic which crosses at least one frontier." In order to remove the difficulties encountered by the United Kingdom with respect to article 1 and chapter II, the Conference agreed to insert as the initial article of chapter II a provision for each contracting state to take appropriate measures to insure the observance of the rules set out in that chapter.

The determination of the status and character of the annexes in relation to the convention, as provided for in article 2, was one of the fundamental questions with which the Conference dealt. The United States proposed that since the annexes to any convention normally form an integral part of the convention, article 2 should be redrafted in order that each contracting state would declare the annexes which it did not intend to apply, rather than those which it wished to accept. This proposal was strongly supported as legally correct and was adopted as preferable to the ECE text.

Adoption of the United States text, however, did

not solve the all-important question of which of the annexes could a state exclude from its application of the convention. In light of the ECE draft and of the explanatory memorandum prepared by the ECE Subcommittee on Road Transport of the Inland Transport Committee, many of the delegations had come to Geneva taking it for granted that all the annexes would be permissive. Other governments, however, after a critical study of the ECE draft, were of the opinion that a majority of the annexes were essential to the successful application of the convention and that if these annexes were not made compulsory for all the contracting states, the convention in practice would be meaningless.

The United States delegation favored making mandatory all annexes vital to the operation of the convention. This division with respect to the handling of the annexes gradually disappeared as the annexes began to emerge in final form from the technical committees. As a consequence, the Conference designated only two permissive annexes, namely: annex 1, concerning definition of a cycle with a small auxiliary engine and annex 2 regarding priority of passage.

#### Measures Simplifying Requirements

The Conference readily agreed on the provisions regarding customs requirements and formalities. Article 3 encourages states to put into effect measures simplifying customs, police, health, or other requirements. It also recognizes the right of a contracting state to require a bond guaranteeing import duties and import taxes but provides that states shall accept the guaranty of an organization established in its territory affiliated with an international association which has issued a valid international customs pass for the motor vehicle (*carnet de passages en douane*).

In place of a provision proposed by the ECE draft stating that the hours and routes for crossing of frontiers by vehicles shall be fixed by agreement between adjacent states, the Conference agreed to the United States proposal that states would endeavor to keep open during the same hours as adjacent customs offices and posts on the same international road. The ECE draft had included a provision that contracting states would refrain from discrimination against nationals, goods or road vehicles of any other contracting state with respect to customs, police, health, or other requirements. The United States delega-

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Legal and Documents . . . . . J. Mikaoui (Lebanon)  
 Technical Conditions to be Fulfilled by Vehicles  
    Ing. R. Felfer (Czechoslovakia)  
 Signs and Signals, and Rules of the Road  
    Enrico Mellini (Italy)  
 Drafting Committee . . . . Pierre Forthomme (Belgium)

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tion supported the general intent of this provision but, realizing the natural tendency of states to grant special favors to adjacent countries (as in its own practices with respect to Canada, Cuba, and Mexico), proposed that an exception be made for such practices. This proposal was not accepted, but the Conference decided to excise the original ECE provision.

The provisions of article 5 regarding the non-applicability of the convention to "for hire" commercial transport operations are important. This article was prepared originally as a protocol to the ECE draft. The United States proposed, however, that since the provisions of the protocol constituted a basic concept, clearly limiting the applicability of the convention, it should be placed in the body of the convention. Certain other delegations wanted articles to state specifically that the convention also did not affect rules on labor conditions, fixed charges, or insurance against third party risks. In order to meet the desires of those delegations but at the same time, to avoid a long enumeration, the words, "all other matters not provided for in this Convention" were inserted in the text.

## TECHNICAL AND ADMINISTRATIVE PROVISIONS

The technical and administrative provisions of the convention are stated in somewhat broad terms, yet with sufficient precision to indicate basic requirements for drivers, vehicles, and traffic. If need develops for amplification of some of these requirements—performance specifications for vehicle brakes and lights are cases in point—it can be met through the amendment procedure established in the convention.

Discussion of the articles relating to Rules of the Road disclosed a desire for a few general requirements of universal application, designed to promote the safety and convenience of all traffic, including animal-drawn vehicles and animal convoys which present large problems in many areas of the world. Some are necessarily of an "admonitory" nature and undoubtedly present difficulties in enforcement. However, they constitute useful guides to highway users, and many of them do achieve a real measure of uniformity in traffic control. As a matter of fact, these brief rules are only a selection of the basic requirements found in the elaborate traffic laws and regulations of many countries, all of which have certain fundamentals in common. They will doubtless be reproduced and circulated in large numbers by motoring clubs and other organizations.

The United States delegation submitted clarifications of text on rules for overtaking and passing, keeping to the side of the road, and right of way, which were accepted. On this last point—which gives the legal priority of movement to the vehicle approaching from the right (or from the left in countries where traffic moves to the left)—there was opposition from certain countries whose representatives said that a fixed priority rule tends to make motorists incautious and causes accidents. Accordingly, this rule was made Annex 2 so that it could be accepted or rejected by the signatory powers—and the annex was rejected ultimately by India, Union of South Africa, and the United Kingdom, with Switzerland reserving the right to reject it later if deemed necessary.

Trolley busses, which figure in international traffic in some parts of Europe, were also made subject to all of these road rules. Special regulations were set up for bicyclists, which number in the millions in many foreign lands.

The question of establishing a uniform drive-to-the-right rule for all countries of the world did not

### Participation

#### Official Delegations

Austria	Lebanon
Belgium	Luxembourg
Bulgaria	Netherlands
Chile	Nicaragua
Czechoslovakia	Norway
Denmark	Philippines
Dominican Republic	Poland
Egypt	Sweden
France	Switzerland
Guatemala	Thailand
India	Union of South Africa
Iran	United States of America
Israel	United Kingdom
Italy	Yugoslavia

#### State Observers

Australia	Ecuador
Brazil	Mexico
Canada	Turkey

#### Organization Observers

- A. Intergovernmental organizations
  - International Labour Organization
  - Interim Commission of the International Trade Organization
  - International Institute for the Unification of Private Law
- B. Nongovernmental organizations
  - International Chamber of Commerce
  - International Transport Workers' Federation
  - International Organization for Standardization
  - International Road Transport Union
  - Permanent International Bureau of Motor Manufacturers
  - Comite general de l'Alliance Internationale de Tourisme et de la Federation Internationale de l'Automobile
  - League of Red Cross Societies
  - Inter-American Federation of Automobile Clubs



arise officially in the Conference, although it was the subject of informal discussion with the British and other delegations. The great majority of nations, including all those of the Western Hemisphere, now follow the practice of driving to the right, but important exceptions include the United Kingdom and the British Commonwealth countries, Sweden, India, Japan, the Dutch East Indies, and a few others. How important it might be to effect a change-over in these countries and what the cost would be in altering street-car installations and road signs would require thorough study on a large scale.

### **Road Signs and Signals**

In regard to the general topic of road signs and signals, the United States aim was to see that all reference to the European pictorial system was deleted from the convention and its annexes and made the subject of a separate protocol so that each participating country could adopt or reject that system without impairing the convention. Some of the European participants had wished for universal acceptance of their system. Because of the wide variation in the signs and signals actually employed even in the countries that presumably followed the European system, a uniform adoption of any proposed revisions of the existing system would be difficult. Also, countries in addition to those of the Western Hemisphere might prefer the American system with minor modifications. On the other hand, Argentina and perhaps other American States, generally preferring the American system, might use some of the signs of the European system, notably the triangular sign indicating extreme danger.

When it became clear that the United States and other participants, which have adopted in general the American system, would not change all of their numerous sign installations, the solution of the separate protocol was agreed to and consideration was given to a proposal to draft two protocols, one prescribing a European, and the other, an American system. The Conference finally decided that immediate formulation of the alternative protocol would be impracticable and that further effort should be directed to the formulation of a protocol prescribing the European system.

The discussions at this Conference justify the conclusion that any hope of early world-wide adoption of a single system of signs and signals must be abandoned. However, there was substan-

tial encouragement that all countries may adopt one or the other of two uniform systems, each having in common certain inscriptions and possibly certain shapes of identical connotation, particularly with reference to the more serious road hazards and the significant traffic directions. It is to this more probable eventuality that the recommendation of the Conference for further consideration of the possibility of world-wide agreement on a single uniform system may be expected to lead. (See Final Act below.)

In five brief paragraphs, constituting a single article of the convention, general principles regarding the uniformity, number, and placement of signs within each country were set forth. These were acceptable to all signatories.

### **Motor Vehicles and Trailers In International Traffic**

Articles 18-23 encompass provisions applicable to motor vehicles and trailers in international traffic. In article 18, appears for the first time one of the basic concepts of the convention—a concept which makes allowance for the Federal-state relationship which exists in the United States, as well as in certain other countries. The absence of this concept from the 1926 Paris conventions was the principal reason for United States inability to adhere to them. In the new convention, the problem is solved by use of the phrase “a Contracting State or subdivision thereof” with respect to matters which usually fall within the competence of the subdivisions of a Federal state, such as registration and licensing.

An important liberalization of international requirements on registration, which have existed under the Paris convention of 1926, was agreed to at the Geneva conference. The new convention eliminates the need for an international registration certificate and recognizes the domestic certificate as sufficient to admit a vehicle to foreign countries. This single item will result in definite savings for international motorists. A United States suggestion, that a document such as a customs certificate (given without charge to all persons bringing their personal motor vehicles into this country) might be used as a means of vehicle identification, was discarded on the grounds that it might encourage some countries to institute a new form of control and impose a fee. These articles of the convention make reference to numerous other technical matters which are simplified in the annexes.



## Requirements for Drivers

Requirements for drivers of motor vehicles in international traffic are indicated in articles 24-25 and are elaborated by annex 8 which fixes 18 years as the basic minimum age for driving in international traffic; by annex 9 which specifies the format and composition of a model domestic driving permit; and by annex 10 which performs the same function for the model international permit.

Many of the states expressed a willingness to grant reciprocal recognition to domestic driving permits, just as they had done with regard to the vehicle registration certificate. Thus the opening clause of this section of the convention grants recognition to any driver who holds a "valid driving permit" issued by his home country "after he has given proof of his competence." This latter phrase was the nearest approach the Conference made to the still controversial subject of compulsory driver licensing; although many countries, like all states of the United States except one, now require each driver to hold a permit, the practice is by no means universal, and in addition, the tests by which a driver's competence is determined are frequently deficient in many respects. Here is a point on which further work remains to be done.

The United States delegation asked for and obtained a provision that any contracting state may require foreign drivers to carry an international permit. The provision is permissive, not obligatory. Its motivation is primarily the recognized administrative difficulty of making the state law enforcement officers of a country like the United States acquainted with many different foreign permits, issued in unfamiliar languages. From the standpoint of the United States motorist traveling in a foreign country, the advantage of having his own state driving permit recognized is manifest; it is conceivable that foreign countries will grant this recognition unilaterally because of their desire to encourage touring by Americans. On the other hand, the carrying of a standard international permit by foreign motorists coming to this country—a uniform type which could be readily communicated to state highway patrols and others for purposes of instruction—is equally evident.

The problem will be laid before the appropriate state authorities in this country by the Department of State when the convention is ratified to determine whether the permissive clause in the convention relative to an international permit

should be utilized, or whether, for at least an experimental period, the reciprocal recognition of all domestic permits might be tried.

The convention permits withdrawal from a driver of the right to use either the domestic or international permit if the driver has committed a driving offense of such a nature as would entail the forfeiture of his driving permit under the legislation and regulations of the state in which he is driving. The contracting states also undertake to communicate to each other necessary information for identification of persons holding either type of permit when they are liable to proceedings for a driving offense.

During a 5-year period from the entry into force of the convention, provision is also made to accept documents issued under the Paris convention of 1926 or the Inter-American convention of 1943.

In recognition of the precedent established in most countries, and as a convenience for persons enjoying the privileges of the convention, there are several references to "associations duly empowered" by the competent authorities to issue the various documents required for international traffic. In the United States, these would be such organizations as the American Automobile Association and the American Automobile Touring Alliance.

Article 26 requires that every bicycle shall be equipped with a brake, an audible warning device, a white or yellow light in front, and a red light or red reflex reflector in the rear. This apparently innocuous provision gave rise to brisk discussions because of recently enacted legislation in the United Kingdom, which permits only a white light on the front of a bicycle while requiring a white patch (reflecting surface) on the rear, and led eventually to a reservation by the United Kingdom on this single aspect of the convention.

## FINAL PROVISIONS

Two major problems confronted the Conference on the final provisions of the convention: (1) the status of the International Convention relative to Motor Traffic and the International Convention relative to Road Traffic signed at Paris on April 24, 1926, and the Convention on the Regulation of Inter-American Traffic opened for signature at Washington on December 15, 1943, in relation to the new convention (article 30), and (2) the pro-

cedure established in article 31 by which both the convention and its annexes can be amended by postal voting, that is, by permitting contracting states to pass upon proposed amendments by correspondence with the Secretary-General of the United Nations without a diplomatic conference.

The Conference was sharply, and at first almost evenly, divided on the question of the relation of the earlier conventions on motor and road traffic to the new convention. The United States position was that a formula should be devised which would permit states that became parties to the new convention to continue in force the earlier conventions with respect to those states which were not yet parties to the 1949 convention. This position was determined by the United States desire to have the Inter-American convention continue in force until its replacement between each of the parties by the 1949 convention. Another consideration on the part of the United States was its feeling of obligation toward the other American Republics in view of its association with a resolution, relative to preserving the effectiveness of the Inter-American convention until ratification of the new world convention, made at the Third Inter-American Travel Congress, Bariloche, Argentina, February 1949. Accordingly, the United States delegation submitted a draft text reading: "This Convention shall terminate and replace, in relations between the Contracting States, the International Convention relative to Motor Traffic and the International Convention relative to Road Traffic signed at Paris on April 24, 1926, and the Convention on the Regulation of Inter-American Automotive Traffic opened for signature at Washington on December 15, 1943."

The suggested text received support from many delegations, particularly those representing certain European countries which were anxious to continue the privileges and obligations of the 1926 conventions with respect to those countries which did not become party immediately to the new world convention. Other delegations felt, however, that provision should be made in the new convention requiring that a state denounce any of the earlier conventions to which it is a party as soon as it deposited its instrument of ratification or accession for the new convention. Their view was that a state could not be a party to any of the old conventions, and at the same time to the new, without undertaking conflicting obligations. The question was therefore referred to the Legal Commit-

tee with instructions to compare the earlier conventions with the new convention. It was reported there would not be any basic conflict or legal complications in such dual or parallel obligations and that it was feasible for a state to be simultaneously a party to any of the earlier conventions and to the 1949 convention. The United States proposal was then adopted.

The Conference had considerable difficulty on the procedure to be established for amendment of the annexes of the convention. The initial assumption was that all annexes would be optional and that amendment would be a more simple procedure than indicated for the main body of the convention. In this way it was believed that the convention would be more susceptible to necessary periodic amendments for keeping abreast of new technological developments and improvements. Once the Conference had decided, however, on the principle that the majority of the annexes should be obligatory, many of the delegations, including the United States, felt that this basic concept had to be dropped. They were of the opinion that the procedure for dealing with amendments to the mandatory annexes should be the same as that for dealing with amendments to the main body of the convention. A number of the delegations were not willing to divorce themselves from the original premise and argued that it should not be forgotten that it had been decided to place certain provisions in annexes with the precise aim of making it easier to amend those provisions as technical developments might demand.

As a result of the divergency of views, there was evolved a compromise formula for a similar amendment procedure for both the body of the convention and the annexes.

#### **Signature, Ratification, and Accession**

The other final provisions of the convention relate to signature, ratification, and accession (article 27); territorial application (article 28); entry into force (article 29); denunciation (article 32); and settlement of disputes (article 33) and were agreed to by the Conference without much difficulty.

#### **DISCUSSION OF ANNEXES**

*Annex 1* is designed to meet European needs. It provides that cycles fitted with an auxiliary engine of small size (not more than 50 cc. or 3.05

cu. in.) shall not be considered as motor vehicles if their construction retains the normal characteristics of cycles. This provision was necessary because of the varying attitudes of foreign countries toward these small two-wheel units, some desiring to classify them as motor vehicles. For this reason, reservation against this annex was made by Denmark, India, Norway, Philippines, Sweden, Union of South Africa, and United Kingdom, and its provisions accordingly will not be valid in those countries.

*Annex 2*, relating to priority of passage, has already been explained in the discussion on rules of the road.

*Annex 3* relates to the registration number of vehicles in international traffic and provides that the registration number of every vehicle shall consist of Arabic numerals and/or Latin characters, and shall be legible in daylight at a distance of 65 feet. The number may be painted on the vehicle, or displayed on a plate.

*Annex 4* relates to the distinguishing sign of vehicles in international traffic and requires this sign to be composed of one to three capital Latin letters with a minimum height of 3.1 inches and width of 0.4 inch, in black on a white ground of elliptical form. Distinctive letters were fixed in the convention for 69 different states and territories, including all of the countries represented at the Geneva conference. The letters for the United States were established as "USA" as requested by the United States delegation. Any state not included in the list contained in the convention may, on accession to the convention, notify the United Nations of the distinctive letters selected by that state.

*Annex 5* provides that the identification marks of vehicles in international traffic shall include, in the case of a motor vehicle, the name or trade mark of the manufacturer, the chassis or body identification or serial number, and the engine number if such number is available. In the case of the trailer, an identification mark issued for the trailer by the competent authority is adequate.

*Annex 6* covers technical conditions concerning the equipment of motor vehicles and trailers in international traffic. These requirements are in general conformity with United States practice. As a result, United States motor vehicles with equipment complying with United States regulations may tour in foreign countries without changing equipment, and foreign vehicles meeting the

requirements of the convention will not find any important differences from current United States regulations.

The sections on braking provide in general terms for "efficient, safe and rapid" braking under any conditions of loading and on any gradient on which the vehicle or combination of vehicles is operated. Both service and parking brakes are required, but no braking or stopping distance is specified. Trailers exceeding 1,650 pounds gross weight with load must have at least one braking device, and trailers having less than this weight must have a brake if the weight exceeds one-half of the unladen weight of the towing vehicle. Trailers equipped with brakes must have a break-away device capable of stopping the trailer if it becomes detached while in motion.

The sections on lighting, although they impose no requirements objectionable from the American viewpoint, are rather vague in some particulars. The broad requirements are that every motor vehicle must have at least two white or yellow driving lights, two passing lights, and two clearance lights; at least one red rear light; two red reflex reflectors which may be incorporated with the rear lights; and a red or amber stop light actuated by the service brake. Special provisions are made for trailers and motorcycles. Direction indicators are made permissive, not obligatory, but the use of flashing or blinking lights is specifically confined to such indicators.

The indefinite character of certain lighting requirements was generally recognized, but a majority of the delegations was unwilling to agree to more specific provisions before the International Organization for Standardization which was studying the problems made its recommendations.

A proposal of the United States to insert in this annex a provision designed to permit the use of a white or yellow "back-up" or reversing light was met by the inclusion of a satisfactory provision in article 15 of the convention.

The sections prescribing other conditions concerning technical equipment such as steering apparatus, driving mirror, windshield wiper, safety glass in windshields, and mufflers, follow, in general, United States practices.

#### **Sizes and Weights of Vehicles**

The primary purpose of the convention is to facilitate the international movement of private passenger automobiles, and it accomplishes this pur-



pose very satisfactorily. A supplemental objective which, from the viewpoint of future development of highways and traffic in all parts of the world, may equal in importance the primary objective. This is embodied in annex 7, which establishes dimensions and weights of vehicles in international traffic. In this respect, the convention breaks new ground and sets up norms for large vehicles (busses, trucks, and combinations of vehicles) which have a bearing upon the construction and maintenance of highway pavements and structures, involving large expenditures. That the maximum figures stated are in accord with practice in the United States, where they have been developed to meet the most intensive traffic in existence, may be regarded as one of the chief accomplishments of the United States delegation at Geneva.

The problem occupied a large part of the deliberations, particularly in committee sessions, for it contained many elements of controversy. Chief among the controversial elements was the proposal of certain European countries that the maximum axle load, which is the key element in heavy motor vehicle design, should be 13 metric tons, or 28,660 pounds. This figure was based upon certain foreign national laws which took into account the excellent foundation characteristics of many of the principal highways of western Europe, compacted and deepened under centuries of traffic.

In the opinion of the American delegation, however, the European nations ignored the need for widening roads which must inevitably come as traffic volume increases and the establishment of new locations to improve the highway network for future needs. Furthermore, few vehicles actually appeared in operation which would require the high load-limits proposed, and the use of these vehicles could be covered by special permits.

The European proposal of more than 28,000 pounds axle load was in sharp contrast to the United States proposal of 18,000 pounds. Had the European proposal been accepted as the universal criterion for vehicle weights, it would have complicated and confused the highway development program in many countries. If the proposal were adopted in the United States, for example, it would increase the cost of highway construction and maintenance by at least 25 percent and, almost inevitably, this increase would be charged to the

relatively small percentage of heavy vehicles which would make it necessary.

The issue in the Conference was clearly drawn. The United States delegation presented its facts convincingly and supported them by an interesting demonstration of models recently built by the Bureau of Public Roads to show the effect of various magnitudes and spacings of axle loads upon highway pavements and bridges. The final result was the adoption in annex 7 of a table of maximum dimensions and weights which are in close conformity to the recommendations of the American Association of State Highway Officials and the Bureau of Public Roads.

The annex applies to "roads designated by states parties to regional agreements" or to those designated by a contracting state itself, and is not necessarily applicable to the entire road-network of any country. It is not anticipated that any such international roads will be designated in the United States. Furthermore, provision is made that "no vehicle shall carry a maximum load in excess of that declared permissible by the competent authority of the country in which it is registered." Notwithstanding these exceptions, the fact that, for the first time, specific maximum limits for heavy vehicles and combinations have been stated in an agreement of world scope, is noteworthy. These limits are set forth in annex 7 to the following effect:

	Meters	Feet
(a) Over-all width-----	2.50	8.20
(b) Over-all height-----	3.80	12.50
(c) Over-all length:		
Goods vehicles with two axles-----	10.00	33.00
Passenger vehicles with two axles---	11.00	36.00
Vehicles with three or more axles---	11.00	36.00
Articulated vehicles-----	14.00	46.00
Combination of vehicles with one trailer <sup>1</sup> -----	18.00	59.00
Combination of vehicles with two trailers <sup>1</sup> -----	22.00	72.00
	Metric tons	Pounds
(d) Permissible maximum weight:		
(i) Per most heavily loaded axle <sup>2</sup> ---	8.00	17,600
(ii) Per most heavily loaded tandem axle group (the two axles of the group being at least 40 inches (1.00 meter) and less than 7 feet (2.00 meters) apart)-----	14.50	32,000

<sup>1</sup> Any contracting state may indicate that it will only permit that one trailer be drawn by a vehicle and that it will not permit an articulated vehicle to draw a trailer. It may also indicate that it will not permit articulated vehicles for the transport of passengers.

<sup>2</sup> An axle weight is defined as the total weight transmitted to the road by all wheels the centers of which can be included between two parallel transverse vertical planes 1.00 m (40 inches) apart extending across the full width of the vehicle.



For the limitation of gross vehicle weight, there is included a table prescribing the permissible maximum weight of a vehicle, articulated vehicle, or other combination, expressed in both metric tons and pounds, corresponding to the distance, expressed in meters and feet, between the extreme axles of the vehicle, articulated vehicle, or other combination.

The portion of the table expressed in English units of length and weight prescribes the permissible maximum vehicle weights in pounds corresponding to distances between extreme axles in feet. For distances from 3 to less than 7 feet, it prescribes a permissible maximum weight of 32,000 pounds. For distances from 7 feet to 64 feet, inclusive, it prescribes for each foot of distance corresponding permissible maximum weights, ranging from 32,480 pounds for 7 feet to 80,360 pounds for 64 feet.

As a partial compromise to meet the position of the countries which had advocated heavier axle limits, provision was made that contracting states may conclude regional agreements increasing the permissible maxima beyond those in the above tabulation but with the suggestion that the permissible axle load in any case should not exceed 13 metric tons.

Additional provisions were included to cover limitations on dimensions or weights at such places of restriction as tunnels or bridges and to meet unfavorable climatic or seasonal conditions; and special permits were authorized for vehicles or combinations larger or heavier than those permitted in the tabulation.

*Annex 8*, relating to conditions to be fulfilled by drivers of motor vehicles in international traffic, is brief, being confined to establishing 18 years as the minimum age for driving, except for drivers of motor vehicles or invalid carriages if any contracting state or subdivision makes special provision. It is to be regarded as an annex "in embryo." Under this heading may be expected to come, at some future time, international regulations determining and testing the fitness of drivers. The provisions elsewhere facilitating future amendments will provide a ready means for further attention to the important subject of driver qualifications, if and when the international community is able to undertake this task.

*Annex 9* contains the specifications of a domestic model driving permit. This permit is not obligatory under the convention but some encourage-

ment for its use is provided by article 24 which indicates that the international driving permit may be required for motorists coming from countries which do not use the model. It is not anticipated that this will have any effect upon current United States practices.

*Annex 10* relates to the model international driving permit and specifies in effect, that it shall be a small booklet with pages containing the necessary identification of the driver, a list of the contracting states in which it is valid, photograph and signature of the holder, and indication of the type of vehicle which he is authorized to drive. Provision is made for printing this document in the language of the issuing state, the five official languages of the United Nations, and up to six other languages if the issuing state desires.

#### OTHER SUBJECTS OF DISCUSSION

One of the items of the agenda, Other Problems in the Field of Road Transport Which May Require International Action, on which some of the European representatives had hoped for considerable discussion, was given little attention because of a general feeling that it was somewhat outside the immediate scope of the Conference and called for further study. Under this heading were grouped such subjects as customs conventions on touring, commercial road vehicles, and transport of goods by road; civil liability and compulsory insurance, fiscal charges and national taxation, freedom of movement of commercial road transport and road transport contract (bill of lading). A statement was presented by the United States delegation to the effect that all of these subjects are instrumental in facilitating the interchange of goods and persons internationally and are therefore desirable, but that they must be studied and considered with the greatest possible attention. It was recognized that they were primarily of regional interest. A brief discussion concluded with a decision to request the Secretary-General to notify governments of the existence of an agreement providing for the provisional application of three draft international customs conventions adopted on June 16, 1949, by the Inland Transport Committee of the Economic Commission for Europe (on touring, commercial road vehicles, and international transport of goods by road, respectively). This agreement, which at present is of

interest primarily to European countries, has been signed by representatives of the Belgium-Luxembourg Economic Union, France, Norway, Netherlands, Switzerland, the United Kingdom, and Italy. In addition, the Conference recommended that Ecosoc and its Transport and Communications Commission give advice on what further international action is desirable in this field.

Special consideration was given by the Conference to the Spanish-speaking nations of the Western Hemisphere and the 1943 Convention on the Regulation of Inter-American Automotive Traffic. The United States delegation proposed a resolution, which was unanimously adopted, requesting that an authoritative Spanish translation of the new convention on road traffic be added to the English and French texts when the certified copies are transmitted to governments. Arrangements to this end are now being made by the United Nations Secretariat. Inclusion of Spanish will greatly facilitate consideration of the new convention throughout Latin America, and may be hoped to lead to its recognition as a notable improvement over the 1943 agreement.

## CONCLUSIONS

In the final week of the Conference—including a plenary session on Sunday afternoon, September 18, which required special authorization by the Secretary-General of the United Nations—reports of the committees were crystallized into four documents. These documents were laid before the delegates for signature at the closing session of the Conference on September 19.

### Signatories

The states which have signed one or more of the four documents emanating from the conference are as follows:

Convention on Road Traffic—20 signatories: Austria, Belgium, Denmark (reservation excluding annex 1), Dominican Republic, Egypt, France, India (reservation excluding annexes 1 and 2), Israel, Italy, Lebanon, Luxembourg, the Netherlands, Norway (reservation excluding annex 1), Philippines (reservation excluding annex 1), Sweden (reservation excluding annex 1), Switzerland, Union of South Africa (reservation excluding annexes 1 and 2), United Kingdom of Great

Britain and Northern Ireland (reservation in respect of article 26 and excluding annexes 1 and 2), United States of America, and Yugoslavia.

Protocol Concerning Countries or Territories at Present Occupied—17 signatories: Belgium, Denmark, Dominican Republic, Egypt, France, India, Italy, Lebanon, Luxembourg, the Netherlands, Norway, Philippines, Sweden, Switzerland, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, and United States of America.

Protocol on Road Signs and Signals—14 signatories: Austria (reservation), Belgium, Denmark, Egypt, France, Israel, Italy, Lebanon, Luxembourg, the Netherlands, Norway (reservation), Sweden (reservation), Switzerland, and Yugoslavia.

Final Act of the Conference—31 signatories, including observers: Austria, Belgium, Bulgaria, Chile, Czechoslovakia, Denmark, Dominican Republic, Egypt, France, Guatemala, India, Iran, Israel, Italy, Lebanon, Luxembourg, the Netherlands, Norway, Philippines, Poland, Sweden, Switzerland, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, and Yugoslavia. Observers: Australia, Canada, Ecuador, Mexico.

## SUMMARY OF DOCUMENTS

### Convention on Road Traffic

Chapter I, Articles 1-5, General Provisions: Preserving the authority of the individual state to control all traffic but agreeing to international traffic under the provisions of the Convention; indicating 1 year as the maximum continuous period for an individual vehicle or driver to enjoy the benefits of the Convention in any one country; making all technical annexes integral parts of the Convention; encouraging simplification of customs, police, health or other requirements; recognizing the right of any country to require a customs bond, and permitting use of a document such as the "carnet de passages en douane" issued by motoring associations to meet this requirement; defining twelve of the terms used in the Convention; and stipulating that the Convention does not apply to "for hire" operations.

Chapter II, Articles 6-16, Rules of the Road: Basic regulations for the safety of all forms of traffic, including responsibility of every road user to avoid endangering or obstructing traffic and to have the speed of his vehicle under control at all times; requiring special precautions at intersections, and in overtaking and passing; requiring

adequate lighting of vehicles at night; and setting forth three special rules for cyclists.

**Chapter III, Article 17, Signs and Signals:** Five basic provisions, assuring uniformity of road signs within each country, limiting the number and location of signs to those that are strictly necessary, and prohibiting boards or notices which might be confused with the approved signs.

**Chapter IV, Articles 18-23, Provisions Applicable to Motor Vehicles and Trailers in International Traffic:** Requiring a domestic registration certificate for each vehicle which shall be recognized by all Contracting States (thus obviating the necessity for an international registration certificate); requiring each vehicle to carry at least one registration plate, and a separate sign indicating the country of registration (United States vehicles will carry the sign "USA"); requiring every vehicle to be in safe mechanical condition, conforming to the provisions of annex 6; and, while recognizing the authority of each Contracting State or subdivision thereof to control the size and weight of all vehicles using its roads, specifying that on roads specifically designated by the Contracting States the permissible maximum dimensions and weights shall be those set out in annex 7.

**Chapter V, Articles 24-25, Drivers of Motor Vehicles in International Traffic:** Granting reciprocal recognition to valid domestic driving permits, but permitting any Contracting State to require use of an international permit if it so desires (models of the permits are set forth in annexes 9 and 10); permitting withdrawal of a driver's right to use either of the above permits if the driver has committed a driving offense of such a nature as would entail forfeiture of the permit in his home state; recognizing validity of documents issued under the Paris Convention of 1926 or the Inter-American Convention of 1943 for a period of 5 years; and agreeing to exchange of information by the Contracting States relative to identity of drivers liable to proceedings for a driving offense.

**Chapter VI, Article 26:** Requiring a brake, warning device, and lights or reflectors on cycles.

**Chapter VII, Articles 27-35, Final Provisions:** Relating to signature and ratification of the Convention, and deposit of instruments with the Secretary-General of the United Nations; specifying that the Convention shall enter into force thirty days after deposit of the fifth instrument of ratification or accession; specifying that the Convention terminates and replaces the Paris and Inter-American Conventions "in relations between the Contracting States" (this phrase assures continuance in force of the prior conventions between states until they have become party to the new convention); establishing a procedure for amendment of the Convention by exchange of communications through the Secretary-General of the United Nations or by technical conferences if necessary (thus obviating frequent diplomatic conferences on subjects of a technical nature); providing for reference of disputes to the International Court of Justice; and permitting any Contracting State to take action necessary for its external or internal security.

**Annex 1, Additional Provision Concerning Definitions of Motor Vehicle and Cycle:** A special technical provision that cycles fitted with a small auxiliary engine (not over

3.05 cu. in. cylinder capacity) are not considered as motor vehicles, provided they retain the normal construction characteristics of cycles.

**Annex 2, Priority of Passage:** A provision which gives the right of way at non-priority intersections to vehicles approaching from the right (or from the left in countries where traffic moves on the left-hand side of the road).

(Annexes 1 and 2, alone among the ten annexes to the Convention, may be excluded from application by any Contracting State.)

**Annex 3, Registration Number of Vehicles in International Traffic:** General specifications for registration plates.

**Annex 4, Distinguishing Sign of Vehicles in International Traffic:** Exact specifications as to size of signs and letter symbols showing country of registration, with symbols (one to three letters) for various states and territories. Examples: United States of America, "USA"; France, "F"; India, "IND"; Philippines, "PI"; United Kingdom, "GB"; Yugoslavia, "YU"; etc. (69 symbols in all, with provision for designation of symbols by other states as required).

**Annex 5, Identification Marks of Vehicles in International Traffic:** Specifications of identification marks on motor vehicles and trailers, by name of manufacturer, chassis or body number, and engine number if available.

**Annex 6, Technical Conditions Concerning the Equipment of Motor Vehicles and Trailers in International Traffic:** General specifications for braking performance, lighting of motor vehicles, steering apparatus, driving mirror, windshield wiper, safety glass in windshields, etc. (In order to prevent immediate barring from international traffic of many existing vehicles, this annex also contains "transitional provisions" which in effect mean that every new vehicle registered beginning 2 years after the entry into force of the Convention must meet all of its technical requirements, while vehicles registered before that date must meet somewhat less rigorous requirements, which are enumerated. In any case, the grace period will expire five years after the entry into force of the Convention, and every vehicle in international traffic thereafter must meet all of the technical provisions of this annex.)

**Annex 7, Dimensions and Weights of Vehicles in International Traffic:** Sets forth in tabular form the permissible maximum width, height, length and weight of various classes of vehicles, as applicable to highways "designated by states parties to regional agreements or, in the absence of such agreements, by a Contracting State"; provides that Contracting States may conclude regional agreements for higher weights; authorizes special limitations made necessary by ferries, tunnels, or bridges, and by seasonal conditions.

**Annex 8, Conditions to be Fulfilled by Drivers of Motor Vehicles in International Traffic:** Fixes 18 years as minimum age for driving.

**Annex 9, Model Driving Permit:** Exact specifications for domestic driving permit recommended, but not prescribed, for adoption by Contracting States.

**Annex 10, Model International Driving Permit:** Exact specifications prescribed for international permit, if any country requires its use.



### **Protocol on Occupied Countries**

The "Protocol Concerning Countries or Territories at Present Occupied" recognizes the fact that certain countries (notably Germany and Japan) were not able to participate in the United Nations conference and were unable to sign the resulting instruments. Nevertheless, they are of future importance in international traffic, and the conference made explicit provision for eventual adherence of such countries. Action on this point was left to the Economic and Social Council. The Protocol reads as follows:

It is agreed that nothing in Chapter VII of the Convention on Road Traffic shall be deemed to prevent the Economic and Social Council from addressing invitations to any country or territory at present occupied to accede to the Convention, or to prevent accession to the Convention by or on behalf of such country or territory.

### **Protocol on Road Signs and Signals**

The "Protocol on Road Signs and Signals" was not signed by the representatives of the United States.

The protocol contains general provisions; establishes three main classes of signs—danger, instructional, and informative; fixes specifications as to shape, dimensions, symbols, colors, and location of signs; makes special provision for grade crossing protection, traffic police signals, traffic lights, and road markings; and appends drawings of 64 illustrative signs.

### **Final Act**

The "Final Act" of the conference is a document which summarizes the results of the entire Geneva meeting. After quoting the resolution of the Economic and Social Council on which the conference was based, it lists the

governments and organizations represented, and cites the convention and two protocols which were prepared and opened for signature. Finally, it places on record certain other decisions reached by the conference, among which are the following:

Recommendations that the United Nations take the necessary measures to enable the International Organization for Standardization and the International Commission on Illumination to carry out a series of comparative tests on motor car passing lights.

Request that the Secretary-General of the United Nations notify the Contracting States of adoption or rejection of amendments to the Convention and its annexes, so that all states can be kept accurately and currently informed of the obligations of each state.

Recommendation that the Transport and Communications Commission of the United Nations review periodically the progress of developments concerning international road transport, and advise the Economic and Social Council on what further international action is desirable, whether by conference or otherwise.

Acceptance of a United Kingdom reservation to a provision on bicycle lights and reflectors in the Convention; and of minor reservations by Sweden, Norway and Austria to the protocol on road signs and signals.

Request that the Secretary-General of the United Nations establish an authoritative Spanish translation of the Convention and transmit it to governments with the certified English and French texts.

Recommendation that the Economic and Social Council entrust to the Transport and Communications Commission the task of reviewing the possibility of a single worldwide system of road signs and signals, with the assistance of experts, and of advising the Council on subsequent steps to be taken to reach agreement on such a system.



## TRAVELING IN THE AMERICAS

*by Ambassador George P. Shaw*

Twenty of the American Republics and the Dominion of Canada sent delegations to the Third Inter-American Travel Congress which, at the invitation of Argentina, was held near San Carlos de Bariloche at the Hotel Llao-Llao, Nahuel Huapi National Park in the Argentine Andes from February 15 to 24, 1949. The United States sent a delegation of eight persons. There were also in attendance some 63 representatives of 41 private organizations in the Western Hemisphere having an interest in tourism and travel problems in general. These representatives, who participated actively in the work of the Congress, represented the Intercontinental Hotels Corporation, the International Civil Aviation Organization, the National Federation of American Shipping, automobile clubs, hotel clubs, chambers of commerce, tourist associations, land, sea, and air transportation companies, and various others.

### Continuation of Travel Discussions

This Congress was the third in a series which grew out of the recommendation of the Eighth International Conference of American States at Lima, Peru, in 1938. That Conference recommended that the nations of America be represented at a First Inter-American Travel Congress at San Francisco in 1939.

The date for the Third Inter-American Travel Congress had been set several times but had been postponed because of the desire of the Argentine Government to make extensive arrangements which would assure the success of the Congress. Between the Second Inter-American Travel Congress, which was held in Mexico City, and this, the third one, a separate but similar meeting was

held in Panamá in August 1947, known as the First Inter-American Congress of Directors of Tourism and Immigration.<sup>1</sup> The resolutions of the Panamá Congress were carefully considered at the Ninth International Conference of American States at Bogotá in 1948, and a resolution was passed directing the Third Inter-American Travel Congress to review all previous recommendations, including those of the Congress in Panamá, with a view to putting them into a form that could be implemented in a practical manner. Therefore, a good portion of the work of the Third Travel Congress was based upon the work of previous Congresses.

### Opening of the Conference

It was evident from the first working session of the Congress that all of the delegates had come to Argentina with a realization that world conditions had changed since the Second Travel Congress in Mexico City in 1941, that the tourist industry had become increasingly important, and that the question of simplifying procedures and removing barriers to the flow of bona fide non-immigrant travel was paramount. Evidence of mutual understanding and friendly cooperation among the official and unofficial delegates persisted throughout the entire Congress.

The Argentine Government had planned that the inaugural session of the Congress should be held in Buenos Aires, and that the Congress would be opened by President Perón. The delegates gathered for a preliminary meeting on February 11 at the College of Buenos Aires. The delegates

<sup>1</sup> For an article on the Conference by Ambassador Shaw, see BULLETIN of Dec. 28, 1947, p. 1250.

in the first plenary session, recognizing the preliminary work done, and the enthusiasm of the President of the Executive Committee, Director of the National Parks of Argentina, Lt. Col. Napoleon R. Irusta, unanimously elected him President of the Congress. In this same meeting the precedence of delegations from the various countries and order of voting was decided by lot. This was a departure from earlier procedure, which held to the practice of voting in alphabetical order.

Unfortunately, President Perón was unable to attend the meeting and to make the inaugural address. He sent as his personal representative the Minister of Public Works, Gen. Juan Pistarini. The formal opening of the Congress was also held at the College of Buenos Aires the same evening. General Pistarini welcomed the delegates, extended the courtesies of the Republic and the various cities to be visited, and wished the Congress success in its labors. He called attention to the work done in previous Congresses to enhance the value of the tourist industry, and hoped that this could be materially advanced in the sessions to be held in Argentina.

The opening session was attended also by Dr. Juan Atilio Bramuglia, Argentine Minister for Foreign Affairs and Worship; Dr. Oscar Ivanisovich, Argentine Minister of Education and until recently Argentine Ambassador to Washington; the Primate Cardinal of Argentina, Dr. Santiago Capello; Lt. Col. Napoleon R. Irusta, President of the Congress and Director of the National Parks of Argentina; and other high officials of the Argentine Government. Francisco J. Hernández, Chief of the Travel Division of the Pan American Union, was given a place of honor on the dais in this opening session.

Speeches also were made by D. Leo Dolan, the delegate from Canada, and by the Mexican delegate, Ambassador Juan Alvarez del Castillo. The speakers were selected in view of the fact that Mr. Dolan had been the President of the First American Travel Congress in San Francisco in 1939, and because the Second Congress was held in Mexico City in 1941.

The Congress, having been opened formally in Buenos Aires, all delegates and unofficial observers, as well as the secretariat provided by the Argentine Government, proceeded in two special trains and by several airplanes to the famous Llao-Llao Hotel near San Carlos de Bariloche in Southern

Argentina. The Congress took over the entire hotel and was able to work uninterruptedly under almost ideal conditions for the full 10 days of the Congress.

The Congress did not name committees on credentials or regulations since the secretariat provided by the Argentine Government performed those functions itself.

The agenda of the Congress had been carefully formulated under eight chapter headings. In the first plenary session the work of the Congress was organized by the naming of eight committees to consider the subject matter of each chapter. Each country was given an opportunity to name delegates as members of the committees in which it was most interested. The eight committees, which were commonly referred to by number, covered the following topics:

- Committee 1: Governmental Action
- Committee 2: Joint Action (Governmental and Private)
- Committee 3: Private Action
- Committee 4: Publicity, Propaganda, and Development of Tourism
- Committee 5: Marketing of Travel
- Committee 6: The Automobile and Tourism
- Committee 7: Cultural Aspects in the Development of Tourism
- Committee 8: Development of Sports

#### **Discussion on Tourist Card**

The subject on the agenda that was of first interest to all of the delegations and which occasioned the most prolonged study and debate was Topic 1 concerning the simplification of regulations affecting passports and visas for tourists (nonimmigrants). The resolution in the final act of the First Inter-American Congress of Directors of Tourism and Immigration which was held in Panamá in August 1947, served as a basis for the discussions. The idea prevailed among a majority of the delegates that a tourist card should be authorized which would be a simplified passport, easier to issue and providing for facilities not to be had through the possession of a formal passport. It must be stated frankly that, although the resolution to this general effect was passed over a number of dissenting votes, the tourist card, as recommended, did not provide any guaranties or facilities not to be had at the present time or in the foreseeable future by bearers of passports. The resolution which presents a number of technical difficulties in connection with its possible implementation is, in effect, a recommendation

for the substitution of one travel document for another.

A major accomplishment of the Third Inter-American Travel Congress was the establishment of a clear distinction between the function of the tourist card as a passport and as, or in lieu of, a visa. This matter was not so plainly stated in the phraseology of the Panamá Congress of 1947 or in the First or Second Inter-American Travel Congresses. It is now clearly established that the contemplated tourist card in itself would be a travel document, having the essentials of a passport, which is a guaranty as to the identity of the traveler by his own government. The visa is a thing apart which may or may not be placed upon the tourist card or passport, depending upon the laws and regulations of the government concerned. The visa when used is an implied permission of a second government for a traveler to enter and reside temporarily in its territory. The final act of the Third Inter-American Travel Congress taken as a whole indicates agreement of the various delegations as to the general principles of simplifying documents and facilitating travel as much as possible. The position of the United States Government as regards the use of passports and the requirements for visas has not materially changed since the Panamá Congress of 1947.

Paragraph 1 of chapter I in the final act of the Third Travel Congress states that the proposed tourist card is designed to replace a passport for tourists. The liberal point of view of this latest Congress is demonstrated by the inclusion in this section of a definition of "tourist" to mean persons who are, in effect, temporary visitors to another country specifically traveling for the purpose of cultural motives, recreation, health, family, study, business, sports, et cetera. The inclusion of commercial travelers in this definition is considered by many delegates to be a significant change in the point of view of many of the nations and a long step in the direction of liberalizing travel regulations.

The resolution indicates from the beginning that the tourist card will replace passports for all travelers classified as temporary visitors, and no exceptions are stated. It is obvious that the nations concerned will not completely give up the right to issue passports to such travelers as they deem appropriate, such as for persons traveling through the Americas en route to Europe or other areas where passports may continue to be needed,

and other special cases. These technical defects were apparent to several of the delegations, who might have found it necessary to sign the final act with reservations had it not been for the debate which brought out the necessity of those nations reserving the right for their citizens to continue to travel on regular passports and to enjoy all of the rights and privileges contemplated for travelers bearing the proposed tourist card. These debates culminated in the adoption of a resolution which appears under chapter I, resolution XI of the final act to the effect that all nations have the right, and in fact agree, to expedite the issuance and use of passports and also visas until such time as the tourist card may be adopted by those nations that desire it. This arrangement leaves the matter open until a convention can be drawn which will include a formal commitment to authorize the use of the tourist card and at which time the technical difficulties mentioned above may be resolved. Several delegations including the United States, agreed that this resolution made it unnecessary for them to sign with a reservation that had been contemplated, to the effect that their countries intended to continue the use of the passport instead of the tourist card for an indefinite period. It was brought out in debate that the passport has all of the advantages contemplated for the card and none of its defects. The only argument in favor of the card is a more facile and convenient method of issuance.

For the first time since the tourist card idea was seriously considered in the Tourist Passport Convention in Buenos Aires in June 1935, a notable tendency has developed to veer away from the tourist card idea in favor of the standard international type of passport as the ideal travel document.

#### **Visa Conditions for Use of Tourist Card**

The next most interesting resolution was that under chapter I, resolution I (3), which clarified the provision that the tourist card makes visas unnecessary, only when the laws and regulations of the country visited so permit. It is obvious that due to present-day conditions, a number of the countries represented are not in a position to waive the requirements for visas in the foreseeable future. Previous Congresses have been unwilling to provide any exception to the clause recommending the elimination of visas, but again the Third Congress demonstrated its reasonable and progressive



attitude and included the modifying clause for what may be an extended interim period. The hope was expressed by all delegations that political, economic, and social conditions throughout the world would soon return to a state that would permit the waiver of visa requirements, and possibly of travel documents themselves in many instances. None of the delegates indicated that they expected these conditions would prevail in their respective countries in the immediate future.

The principle of uniformity among Western Hemisphere nations in the issuance of travel documents, the card and by implication passports, was approved.

#### **International Travel Organizations**

Perhaps the most important concrete result of the Third Inter-American Travel Congress was the resolution VIII that appears in the final act under chapter II. The Congress recognized the desirability of avoiding the multiplication of regional organizations and the advisability of using available existing governmental machinery. It was generally accepted that an organization was needed which would provide a common meeting ground for governmental and private travel organizations, and which would provide a means for implementing the resolutions of this Congress, as well as aiding in the drafting of future legislation, including the conventions contemplated in the final act of this Congress. This was reiteration of resolutions in earlier Congresses. Therefore, after extended debate and much serious hard work, the Congress voted to recommend to the various governments concerned that the nations represented adhere to the International Union of Official Travel Organizations with headquarters in London, which has been granted consultative status as a nongovernmental organization by the United Nations. Under this Union there are already set up a number of regional commissions, and provision is made for an Inter-American Commission at the present time. Argentina, Peru, and the United States are already members of the Union, and those countries may form a nucleus for the Inter-American Commission. The recommendation was adopted that the Western Hemisphere countries which adhere to the Union would automatically constitute the Inter-American Commission, and that it should have its Secretariat General in the Travel Division of the Pan American Union. The matter of the organization of the

Inter-American Travel Commission and the approval of a statute on the basis of a draft adopted by the Congress have been referred to the Organization of American States for action.

The Congress, through the expenditure of considerable time and effort, included with the above recommendation a draft statute for the Inter-American Travel Commission. It is believed that this statute may be adopted by the Commission without major change and that it will provide a satisfactory working basis until experience may dictate certain modifications.

#### **Inter-American Automotive Traffic**

Automobile traffic in the Western Hemisphere with its attendant problems of entry and departure, proof of ownership, customs regulations, bonds, insurance, and so forth, were discussed at great length. The Congress was successful in passing a resolution which appears in the final act under chapter I, no. III, urging all governments that have not already done so to adhere to the Convention on the regulation of Inter-American Automotive Traffic (Washington 1943). It provided for recognition of both the Carnet de Passages en Douane issued by the International Automobile Federation and International Automobile Touring Alliance, and the Libreta de Pasos por Aduana issued by the Inter-American Federation of Automobile Clubs. The language of the resolution concerning automobile traffic in general approved liberalization and simplification of customs regulations and other restrictions on automobile traffic. The present numerous difficulties encountered by automobile travelers in going from one country to another were discussed in detail. It was manifestly impossible to pass resolutions to correct each and every obstacle to travel, but the principle was well-established that red tape should be cut and that travel by automobile should be facilitated.

The recommendations included provisions for increased uniformity in road signs as regards shape, color, and symbol; incorporation in the new world convention proposed by the United Nations of certain provisions of the Convention on the Regulation of Inter-American Automotive Traffic; and the holding of an inter-American conference of directors of traffic to establish uniform traffic safety rules.

The support of the facilitation program of the International Civil Aviation Organization was



approved, as well as the adoption of the FAL standard clearance forms.

#### **Aspects of Tourist Industry**

Financing the tourist industry was discussed in its several aspects and the resolutions of the Congress recommended extensive financing of the tourist industry by private capital, and with government assistance where necessary. Matters of exchange were covered and the time-consuming requirements of various countries for obtaining both local and foreign exchange by tourists were recommended to be eliminated. It was brought out that in some instances tourists passing considerable time in a country find themselves in need of additional funds. These funds often are transmitted by telegram, but unfortunately these remittances are usually considered in the class of commercial transactions with the usual difficulties arising out of exchange control and restrictions. It was recommended that a means be found whereby temporary visitors in a country would not be subject to undue delay and possible loss simply because it was necessary to receive additional funds during their stay in such territory.

#### **Taxes, Customs, Tourist Information**

A resolution was adopted calling for the elimination, or reduction to a minimum, of taxes imposed on travelers from abroad; of the double or otherwise burdensome taxation levied on international transport companies; and of taxes levied on international travel and tourist services.

There was extensive debate concerning the removal of customs duties from the baggage of travelers and specifically exempting from those regulations such items as cameras, strictly personal effects, and especially sporting goods in general. Under this same heading it was specifically recommended that tourist propaganda from one nation to another falling within certain classes (not to contain over 20 percent of advertising) be exempt from duties. Also in this same connection, the matter of accurate tourist propaganda was considered, and it was resolved that a uniform seal should be provided which could be impressed upon all descriptive propaganda to indicate that it had been checked and that the data were accurate and not exaggerated. This seal would simply be a warranty of quality, and although not required on all propaganda, it would be a guaranty of the gov-

ernment as to that material on which it did appear.

The Congress passed the usual series of resolutions advocating the development of cultural aspects of travel, the conservation of national monuments, the completion of the Pan American Highway and other road systems, the development of national parks, and the development of travel in connection with sports events, including such attractions as well-known hunting and fishing grounds.

It should be observed that this Congress was held on a technical level and that its results were a series of resolutions which expressed the views of the various nations represented but which were not binding upon those nations, except in a general or moral sense. With this thought in mind, the Congress definitely recommended that certain provisions be reduced to formal and binding conventions. One of these was the tourist card, and it was recommended that a convention to implement the resolutions be drawn up by the Organization of American States. Another was the reference of certain financial and economic matters to the next Inter-American Economic and Social Council for consideration. There also was a request that the Organization of American States make an investigation of and submit its findings in a comparative study on the immigration laws and regulations of the nations of the Western Hemisphere as applying to nonimmigrant travel.

A recommendation was made for the development of uniform travel statistics.

A proposal was made by the delegation from Cuba, and promptly seconded by the delegation from the United States, that the Fourth Inter-American Travel Congress should be held in Peru in 1951. The chairman of the Peruvian delegation accepted this proposal on behalf of his government stating at the same time that the next Congress would be held in Lima. This motion carried with unanimous approval.

The final act was signed at the last plenary session on February 24, all nations signing without reservations except Argentina and Peru, who included reservations on minor points which affected local conditions in their respective countries. The final act was the only formal document issued by the Congress. It contained 84 regular resolutions, 1 miscellaneous resolution, 7 votes, and 3 tributes, which represents the work done in the 10 days of the sessions.

## THE SEAL OF THE DEPARTMENT OF STATE

*by Richard S. Patterson*

Dating from the year the Constitution went into effect, the seal of the Department of State is among the oldest seals of the Federal Government. An act of Congress approved September 15, 1789, provided that the Secretary of State "shall cause a seal of office to be made . . . of such device as the President of the United States shall approve." Although no record has been found of the design or choice of a device for this seal, the persons concerned in the matter were President Washington, whose approval was required; Thomas Jefferson, who took office as Secretary of State on March 22, 1790; Roger Alden, who was appointed Chief Clerk of the Department on January 1, 1790; and the engraver of the seal, whose identity is unknown. The seal was first used on May 28, 1790, when, at the request of a New York lawyer, it was affixed to the certificate of authentication of a copy of an act of Congress. Presumably the seal die was engraved in New York City, where the Federal Government was then located; and apparently Roger Alden personally attended to the purchase of it, for he paid for it out of his own pocket. An old account book in the archives of the Department records under date of July 1, 1790, "cash repaid" Alden for "the seal for the secretary's office," which had cost £2 3s. 4d. "New York Currency."

Although in its basic design the seal of the Department of State has always, through its various recuttings, followed more or less closely that of the Great Seal of the United States, impressions from the seal die of 1790 appear oddly different from those of today. Circular and measuring 1 7/16 inches in diameter, the seal of 1790 has the legend "Secretary of State's Office" in capitals just

inside the outer border, with an ornament at the bottom between the first word and the last. The device within the circle formed by the legend and the ornament is that of the Great Seal with one heraldic difference: the eagle's wing tips point downward instead of upward. The form of the crest and the contraction of the motto to "E pls unum" are distinctive details. This seal was used without a counterdie, the impression being brought out in relief by means of adhesive matter placed between the paper wafer and the page of the document.

The die of 1790 continued in use until 1833 or 1834. On October 26, 1833, the Department paid Benjamin Chambers, Washington engraver, die-sinker, and copperplate printer, the sum of \$350 for a seal die, together with counterdie, press, and stand, but whether this was the Department seal is not recorded. On October 8, 1834, the Department paid Chambers \$120 for "Making Seal of Cast steel & moveable Matrix," and this seal is identified as that of the Department. Impressions from the die of 1834 are circular and 1 1/2 inches in diameter. The legend "Department of State," in capitals, runs just inside the upper three-quarters of the circumference, an ornament filling the space at the bottom between the first word and the last. An inner three-quarter circle separates the legend from the device, which is that of the Great Seal with two heraldic differences: the eagle's wing tips point downward instead of upward, and the arrows are of an indistinguishable number. The points of the arrows are downward; the motto is spelled in full; and the cloud of the crest forms an arc under the stars rather than a

circle surrounding them. All impressions from this die that have been examined were made in the same manner as those from the 1790 die, on a paper wafer over a disk of red adhesive matter; the matrix or counterdie that had been purchased with the die was not used, and presumably it had proved unusable, for in 1844 the Department bought a new seal and press particularly to overcome this defect. The die of 1834 remained in service, however, at least as late as June 1865.

A new die was cut in 1844, not to replace the die of 1834, but for concurrent use. Edward Stabler, postmaster, seal engraver, and manufacturer, of Sandy Spring, Maryland, supplied this die, together with counterdie, press, and mahogany stand and case, for which he received payment of \$252 on December 30, 1844. The Department's instructions to Stabler specified a seal that would "make a good impression on paper only" and authorized him to "make the execution of the seal as much better than the sample as you please, but the device must be adhered to."

The seal of 1844 follows closely the design of the seal of 1834, although it differs slightly in its diameter of 1 9/16 inches, in its sheaf of only four arrows, with points upward, and in the generally superior execution of the engraving. The counterdie permitted impression of the seal directly on the page of a document, without the use of adhesive or paper wafer, and it was usually affixed in this manner.

About March 1881, the die of 1844 was superseded by another die. This die was perhaps furnished by William F. Lutz, of Washington, to whom on July 10, 1880, the Department paid \$37 for a "Seal and Press for Passport Bureau." Impressions from the die of 1881 measure 2 5/16 inches in diameter and show a somewhat modified design. Inside an ornamental border is a circular legend, in capitals, the upper half reading "Department of State" and the lower half "United

States of America," the two parts being separated from each other at either side by a five-pointed star and the whole being set off from the device by a circle about 1 1/2 inches in diameter. On three points of heraldry the device differs from that of the Great Seal: the eagle, although otherwise "displayed," has its head turned to its left; there are only 3 arrows, instead of 13; and in lieu of the crest there are 14 stars, seven in a horizontal line above the scroll and 7 irregularly distributed below the scroll. Both eagle and shield are of distinctive form, the wing tips of the former pointing almost

straight upward. This die was sometimes impressed directly on the document and sometimes on a glossy red wafer.

In 1911, the die of 1881 was replaced by a die of a design that has continued in use ever since. On April 20, 1911, the Department paid J. Baumgarten Sons Company, of Washington, the sum of \$250 for a "Seal Press with Steel Die for Bureau of Citizenship," the office of the Department that then handled both passport matters and authentications.

Measuring 2 1/4 inches in diameter, the 1911 die retained the legend of the 1881 die, but substituted for the device thereof an artistically and heraldically exact reproduction, in reduced size, of the device of the Great Seal as recut in 1903 and as currently in use.

In 1917 authentication duties were transferred out of the Bureau of Citizenship. Apparently at this time—record of the exact date has not been found—a new seal die was obtained for use on authentications. This die, of the same size as the 1911 die and a close copy of it, was cut by the Washington firm of Lamb & Tilden. Fixed in a heavy iron hand press of lever-action type, it is one of two dies in current use by the Protocol Staff of the Secretary's Office. The other die, cut by the Bureau of Engraving and Printing and almost identical with the hand-press die, is fixed in an





electrically operated press which the Department purchased on June 28, 1934. This power press has largely superseded the hand press except for emergency use.

In January 1918, when the Department adopted a revised and more convenient passport form, it put into use for the sealing of passports a new seal die, of the same pattern as the 1911 die but only 1 3/4 inches in diameter. This was the first of a series of passport-seal dies, all cut by the Bureau of Engraving and Printing and all so nearly identical that their impressions cannot be distinguished from one another with the naked eye. Becoming worn from constant use, passport-seal dies require replacement from time to time. The Passport Division possesses four seal presses, two of them hand-operated and two electrically operated, each fitted with a die like that of 1918. The smaller hand press is of simple lever-action type; the larger, a huge old cast-steel affair of screw-action type, is perhaps the press purchased from Edward Stabler in 1844. In 1929 the Passport Division acquired a power press, which has seen hard service since. A new and improved power press, purchased in 1949, relegates the other three presses to idleness except in emergencies.

The two chief uses of the seal today, both of which date from the 1790's, are on passports issued at the Department of State and on certificates of authentication. The act of Congress of September 15, 1789, which provided for the making of the seal, specified its use for authenticating "copies of records and papers." Besides this use on certificates of authentication of copies from the Department's files and records, the seal is employed on certificates of authentication of certain seals, namely, those of the executive departments and independent agencies of the Federal Government, those of the State and Territories, and those of the Secretaries of State of the States; and it is employed also on certificates of authentication of the names and official positions of American diplomatic and consular officers and of foreign diplomatic officers accredited to the United States. Still other types of papers that pass under the Department seal are certificates of request and warrants of surrender in extradition procedure; certificates as to the going into force of Constitutional amendments; commissions of Foreign Service Staff officers assigned as vice consuls; certificates of designation; certificates of recognition of certain foreign consular officers in the United States; and

orders and regulations emanating from the Department and filed for publication in the *Federal Register*.

Theoretically today, as actually in earlier times, the signature of the Secretary or Acting Secretary of State accompanies each impression of the Department seal. At present the last-mentioned types of papers that pass under the seal are signed by the Secretary or the Acting Secretary; but all authentications are now signed for the Secretary by the Authentication Officer of the Department, and passports bear a printed facsimile of the Secretary's signature.

## PUBLICATIONS

### Recent Releases

*For sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Address requests direct to the Superintendent of Documents, except in the case of free publications, which may be obtained from the Department of State.*

**Foreign Service List, October 1, 1949.** Pub. 3634. 117 pp. 30¢ a copy; \$1.50 a year domestic, \$2 a year foreign.

Lists officers in the American Foreign Service, their posts of assignment, the index of persons, and the geographic index.

**Human Rights and Genocide.** International Organization and Conference Series III, 39. Pub. 3643. 71 pp. 20¢.

Selected statements, United Nations resolutions, declaration, and conventions on the subject.

**Visa Work of the Department of State and the Foreign Service.** Department and Foreign Service Series 3. [BULLETIN Reprint.] Pub. 3649. 18 pp. Free.

Informative article with tables by Elliot B. Coulter, Assistant Chief of the Visa Division, Department of State.

**U. S. National Commission UNESCO News, November 1949.** Pub. 3662. 12 pp. 10¢ a copy; \$1 a year domestic, \$1.35 a year foreign.

The monthly publication of the United States National Commission for UNESCO.

**The Protection of Foreign Interests in Germany.** European and British Commonwealth Series 11. [BULLETIN Reprint.] Pub. 3667. 12 pp. Free.

Includes U.S. memorandum, report, and recommendations of the Intergovernmental Group for the Safeguarding of Foreign Interests in Germany.

**Our Educational and Ideological Task in Today's World.** International Information and Cultural Series 10. [BULLETIN Reprint.] Pub. 3669. 3 pp. Free.

This article is based on an address delivered by Margaret Hicks Williams at the U.S. Office of Education Indocination Sessions, Washington, D.C. for the British exchange teachers of 1949-50.

## The Chinese Situation in the United Nations

*Statement by Ambassador Philip C. Jessup<sup>1</sup>*

A charge by one member of the United Nations that another member is violating both a treaty and the Charter of the United Nations is a matter of serious concern to us all. This is particularly true in the present case because the alleged violation includes the charge of assisting in attempting the violent overthrow of a recognized government; and, most of all, because both China and the Soviet Union, as permanent members of the Security Council, are pledged to fulfill special responsibilities in maintaining international peace and security.

### **Soviet Charges**

A due regard for the normal deliberative processes of the United Nations as well as for the opinion of the world community would have dictated that the member against which the charges have been leveled should make some response to them and should place its side of the case before this Committee. We regret that it has not seen fit to do so and that the Soviet delegation and also the delegations of other Eastern European states have refused to participate in the consideration of this case.

Equally serious, although not equally well-documented, charges were made in this Assembly by the U.S.S.R. against the United States and United Kingdom in the discussion of the resolution on the essentials of peace just concluded in this Committee. Both my delegation and that of the United Kingdom not only voted in favor of placing that item on the agenda for discussion and

hearing but also took their full part in the debate in answering the charges of the Soviet Union. In this we were fulfilling our duty to the United Nations in helping to make the Assembly, as Secretary of State Acheson in his opening speech in the Assembly urged that it should be—"a forum in which the international public interest can be fully expressed" through the participation of all members. Had we not done so—had we adopted the Soviet tactics and refused to participate—it is not difficult to imagine the inferences which the Soviet delegation would have drawn as to the truth of those charges made against us.

Unfortunately, the members of the United Nations must recall previous instances in which the Soviet Union adopted the same procedure of refusing to participate when an item which it regarded as unpleasant or disagreeable to it was brought up for consideration.

The United States cannot but deplore this selective participation in the work of the United Nations. Such an attitude seems the more regrettable when viewed in the light of the overwhelming judgment of this Committee given only last Friday that one of "the essentials of peace" is full participation in this Organization—a judgment expressed by the terms of the resolution in a specific call upon "every member to participate fully in the work of the United Nations." The Soviet delegation, it will be recalled, explained its vote of abstention on this provision on the ground that it was already binding upon all members by the terms of the Charter.

For its part, as a member of the United Nations and of the Security Council, the United States is compelled to regard with serious concern the charges made by the Chinese delegation and feels that the General Assembly in fulfilling its respon-

<sup>1</sup> Made in Committee I (Political and Security) on Nov. 28, 1949, and released to the press by the U.S. delegation to the General Assembly on the same date.

sibilities under the Charter must take cognizance of them and of the situation in the Far East. It is one of the basic tenets of United States policy regarding the Far East as reaffirmed by Secretary of State Acheson only last August, "to encourage and support the efforts of the United Nations to achieve" the objectives of encouraging the development of an independent China free from foreign control and "particularly to maintain peace and security in the Far East."

### Essentials of Peace

During the past few weeks, this Committee has been engaged in a sobering discussion of what constitutes the essentials of peace. Although the debate was initiated by the Soviet Union through an attack upon the Western powers, the discussion soon became focused, as every consideration of the requirements of peace necessarily must, on the foreign policies and measures of the Soviet Union itself. In that debate, the representatives of countries from all areas of the world, including one courageous example from Eastern Europe itself, voiced the same basic concern and urged the same basic solution—the concern arising from what the distinguished delegate of Brazil termed the "unbridled imperialistic encroachments" of the Soviet Union and the solution to be found in the fulfillment in good faith of the pledges and principles of the Charter.

The general charges made against the policies and activities of the U.S.S.R. in that debate find a further specific application in the complaint which the Chinese delegation has now laid before us. Although these charges focus upon one geographic area, the fundamental problem is the same. It is a problem of maintaining an independent, unified, and free country against what are charged to be aggressive encroachments of a foreign power.

Throughout its modern history, China has been struggling to establish and maintain its independence, its integrity, and its freedom. The struggle has been waged not only against potent internal pressures but also against forces brought to bear directly upon China by her neighbors.

### U.S.—Chinese Relations

The United States has never had any territorial ambitions to be satisfied at the expense of China. Indeed, from the time when it first entered upon relations with the Chinese Government, it has been a major tenet in the policy of the United States to aid China in preserving her integrity against China's two imperialist neighbors, Russia and Japan.

At the time of the Russian occupation of Manchuria at the turn of the present century, the United States, in a note sent to the Russians and

to other interested governments, exerted its influence to maintain "China's territorial and administrative entity." Shortly thereafter, Russian pressure for a privileged position in Manchuria brought a similar response from my government. In the succeeding years in the clashes between competing Russian and Japanese imperialisms in north China, the United States sought repeatedly to establish respect for China's integrity as the standard of conduct in the relations of these and all other countries with China.

Following the Russo-Japanese War in 1905 Japanese imperialism loomed as a major threat to China's integrity. The Root-Takahira agreement of 1908, the proposal to remove Manchurian railways from competing Japanese and Russian efforts, the United States reaction to Japan's 21 demands, the United States role in the Washington conference of 1922, at which the nine-power treaty was signed, all attest to United States policy of upholding China's integrity. In the period when the United States was not a member of the League of Nations, it cooperated with the League in its effort to deal with the Japanese aggression against China.

United States aid to China during the last war and United States efforts in the postwar period, to bring about internal peace and to end the civil war, are well-known. So, too, is United States insistence over Soviet objection that China be included as one of the great powers in the prosecution of the war and the organization of peace—leading to her role as one of the sponsoring powers of the United Nations at San Francisco and as one of the permanent members of the Security Council.

The continuing concern of my government for the independence of China was recently reflected in an official statement issued on August 5, calling attention to dangers of Soviet Russian imperialism in the Far East, reaffirming the basic principles which have traditionally guided United States policy and emphasizing the opposition of the United States to the "subjection of China to any foreign power" and to its "dismemberment by any foreign power, whether by open or clandestine means."

It is in this setting of consistent support for China's efforts to maintain her independence and integrity that my government views with special concern the charges brought in this Assembly by the representative of China, which indicate a continuation in the postwar period of previous Russian attempts against the integrity of that country.

In approaching this complaint which the representatives of China has laid before this Committee, we should inquire what it is that the Assembly is being asked to do and what the Assembly ought to do under the circumstances. In the first place, it may be asked whether the Assembly by considering this case would be interfering in the domestic affairs of a member state. The answer is "no." What the representative of China set forth clearly



in his statement was his view that the General Assembly should employ its great fund of moral power to give guidance to the nations of the world in the conduct of their international relations with China.

The Charter sets forth in article 2 the principles upon which the Organization of the United Nations is based. These principles constitute the foundation of action for states in the conduct of their international relations. What is needed is the observance in good faith of these principles by all nations. It is the role of the General Assembly, in any given case, to point out the particular application of the principles set forth in the Charter. Let us examine now the points made by the representative of China, and consider what constructive steps the Assembly can take in the present case.

### Chinese Charges

In the view of my delegation, the problem that now confronts the General Assembly with respect to China is quite different from the problem which confronts individual governments in formulating their policies toward China and determining how their relationships with China will be arranged. The problem of the Assembly is to set standards for the guidance of states in the application of the principles of the Charter to their relations with China. Regardless of how governments individually may propose to meet the problems created by the civil strife in China, it is clearly to the interest of all of us that the principles of the Charter and of the resolution on essentials of peace which we adopted a few days ago be applied and maintained in China as elsewhere.

The setting of standards for the conduct of our relations with China, giving expression to the judgment of the international community, is a process which requires the cooperative effort of all of us. It is not a process which can be successfully carried forward through the uncoordinated and perhaps conflicting prosecution of national policies by states acting without due regard for the rights of other states or of the people of China. The process of setting and maintaining international standards is hindered by noncooperation or nonparticipation on the part of any member of the United Nations.

The representative of China alleged that the Soviet Union has violated the Sino-Soviet treaty of friendship and alliance concluded in 1945 and the exchanges of notes accompanying that treaty. In support of this charge, the representative of China cited a number of instances in which the Soviet Union has refused to cooperate in the carrying out of the provisions of the treaty, particularly with respect to restoration of Chinese control over

Manchuria and with respect to the administration of the port of Dairen.

It is evident that the expectations of at least one party to the treaty have been disappointed in the last 4 years. We believe that the only effective disposition which could be made of this part of the case presented by the representative of China would be through adjudication in a contentious proceeding, on a reference by the parties to a tribunal such as the International Court of Justice, of questions concerning compliance with the obligations of the Sino-Soviet treaty. Such disposition would require the willing cooperation of both parties to submit these issues to legal arbitrament. We are, of course, aware of the fact that the Soviet Union has not hitherto given any indication of its readiness to submit legal controversies to the International Court of Justice. We cannot, however, fail to hope that the Soviet Union may alter its attitude and cooperate more fully in giving reality to chapter XIV of the Charter and to the statute of the International Court, which forms an integral part of the Charter.

Another charge made in the statement of the representative of China is that the Soviet Union, in violation of the United Nations Charter, has jeopardized the independence of China through interference in Chinese internal affairs and assistance in violent overthrow of the recognized government. The complaint is of an attempt at foreign domination of China, made through the Soviet-controlled world Communist movement and masked behind the facade of a national crusade to improve the life of China and its people.

It will be for the people of China to make a final judgment as to the correctness of this interpretation of the Communist movement in China over the last 30 years. Indeed, it will be for the people of China in deciding their future institutions and policy, to determine whether this or some other interpretation of their recent and current history shall come true for China. We believe, however, that it is the duty of the General Assembly to work for the reestablishment of those international conditions which will make it possible for the people of China to be able freely to determine these matters for themselves and to determine without outside interference the type of government and the type of economic and social institutions which they desire in the future.

The statement of the representative of China also alleges that the Soviet Union, contrary to the Charter, has infringed the integrity of China through the establishment of special regimes under Soviet Russian control in the Manchurian, inner-Mongolian, and northwestern provinces of China. This allegation, which cannot fail to be a matter of deep concern to the members of the international community, is of special concern to the United States since it imports a violation of the Yalta agreement on the basis of which the Sino-Soviet treaty was later concluded. The United

States, although not a party to that treaty, is a party to the Yalta agreement, and I should like, therefore, to set forth briefly the views of my government concerning that agreement.

#### U.S. Views on Yalta Agreement

It was the view of the United States that certain limited rights for the U.S.S.R. at Dairen and on the Chinese eastern and south Manchurian railways should be granted to facilitate economic outlets for the Soviet Far East, which has been handicapped by the lack of warm-water ports. These limited rights would not have impaired the sovereignty of China. It was never our thought that the Soviet Union would so expand these rights as to seek to obtain complete control of the Dairen area and the railways, or to establish puppet regimes in the northern provinces of China.

The evidence presented by the representative of China and other reports that have come to the attention of my government raise most serious questions as to whether certain provisions of the Yalta agreement have in fact been carried out properly and in good faith by the Soviet Union during the last 4 years. Three months ago my government officially called attention to the fact that Soviet Russian demands upon the Chinese Government in connection with the negotiation of the Sino-Soviet treaty of 1945 exceeded the provisions of the Yalta agreement. Some of the evidence and of the reports create grave cause for concern that groundwork is in fact once again being laid for a further Russian attempt to dismember China.

With respect to the allegations and evidence of threats to the administrative and territorial integrity of China, the United States believes that it would be proper for the Assembly, in support of the purposes and principles of the United Nations, to reaffirm the standards for the guidance of all nations in their relations with China. In his statement on Friday, the representative of China emphasized that the nine-power treaty of 1922, in an era of imperialistic encroachments upon China, gave that country an opportunity for constructive development. Conditions have changed greatly since that time 25 years ago. The nine-power treaty was cast in terms of banning encroachments upon Chinese sovereignty which would injure the rights of other foreign states. The world has now progressed beyond the stage of the original "open-door" policy, when it was thought that multilateral concern with an international question must be based upon bilateral rights and legal interests of particular states. Today the Charter of the United Nations has established clearly the general international concern with any disputes or situations likely to endanger the maintenance of international peace or to impair the general welfare or

friendly relations among nations; we now recognize that the maintenance of international peace everywhere is the business of every member of the world community. Nevertheless, the nine-power treaty, as Secretary of State Stimson pointed out 10 years later, was "a covenant of self-denial . . . in deliberate renunciation of any policy of aggression" against China.

It is still true in 1949 as it was in 1922 and on other historic occasions before and since, that the conscience of the world can find expression in a multipartite declaration. As in the past, the Government of the United States is not only ready to sponsor such an expression but also to act in accordance with it. One may scoff at such international declarations, but their enunciation and their subsequent support are not futile gestures. Despite numerous attempted encroachments, China began her postwar period of reconstruction with at least the titular recovery of her most prized and most coveted area—Manchuria, which Japan had absorbed. Even Soviet Russia, speaking through Mr. Molotov in his note of August 14, 1945, relative to the Sino-Soviet treaty, declared that it "regarded the Three Eastern Provinces as part of China and again affirmed its respect for the complete sovereignty of China over the Three Eastern Provinces." In the long historic struggle for that area, international interest, expressed in international declarations, has played its part even though flouted at the moment.

#### Draft Resolution

It is our hope and intention that the General Assembly, by appropriate action at this session, will continue this historic course and thus lend additional assistance to China in her further constructive development. With this end in mind, the United States delegation, jointly with the delegations of Australia, Mexico, Pakistan, and the Philippines, is submitting a draft resolution which will be distributed to the members of the Committee.

WHEREAS the peoples of the United Nations have expressed in the Charter of the United Nations their determination to practice tolerance and to live together in peace with one another as good neighbours and to unite their strength to maintain international peace and security, and to that end the Members of the United Nations have obligated themselves to carry out the purposes and principles set forth in the Charter,

WHEREAS it is a purpose of the United Nations to develop friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples,

WHEREAS the organization of the United Nations is based on the principle of the sovereign equality of all its members and on respect for international agreements, and

WHEREAS the Charter calls upon all Members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

The General Assembly,

DESIRING to promote the stability of international relations in the Far East,



*Calls upon all States:*

(1) to respect the political independence of China and to be guided by the principles of the United Nations in their relations with China;

(2) to respect the right of the people of China now and in the future to choose freely their political institutions and to maintain a government independent of foreign control;

(3) to respect existing treaties relating to China; and

(4) to refrain from (a) seeking to acquire spheres of influence or to create foreign controlled regimes within the territory of China, (b) seeking to obtain special rights or privileges within the territory of China.

The adoption of such a resolution as this cannot be expected to deal with and cure all of the difficulties inherent in the China question presented to the General Assembly. The resolution does, however, isolate and emphasize certain elements in this question which are of special concern to the United Nations. Those elements are: first, the maintenance of the sovereignty, territorial integrity, and political independence of China; second, the right of the people of China to maintain political institutions free of foreign control; third, the observance in good faith of existing treaty obligations with respect to China; fourth, a ban on the establishment by foreign powers of spheres of influence or puppet regimes in the territory of China; and, fifth, a proscription of the acquisition of special rights or privileges which would give individual foreign powers an exclusive or monopolistic position.

I think there can be no doubt that these are matters on which the Assembly can pronounce and that such a pronouncement will not be futile. In our view, the provisions of the draft resolution represent the application to the China question of certain of the basic principles of the Charter. They represent the application to the particular situation in China of the essentials-of-peace resolution adopted last week by an overwhelming majority in this Committee. They represent the traditional policy toward China of many members of the community of nations. They represent an earnest expression by the General Assembly of its concern for the welfare and security of the people of China.

I should like to reiterate that this resolution states principles which would naturally obtain the endorsement not only of the Chinese Government but also of the great body of the Chinese people and of any one else who has at heart the true interests of China. It is, moreover, a resolution to which all nations pledged to the Charter and to the rule of international law can adhere. Indeed, a failure to endorse this resolution might well be interpreted as indicating an intention to profit by the present situation in China for purposes of imperialist aggrandizement. It cannot lightly be assumed that any member of the United Nations has such intentions, and I therefore confidently

hope that this resolution will receive a unanimous vote in this Committee and in the Assembly.

It may be said that it is disingenuous for my delegation to expect unanimous approval of this resolution in view of the fact that one member of the United Nations has been charged with violating the principles which it contains. On this point, I should like to say that if we have erred in our interpretation of the historical facts, we should rejoice to have that error established because our concern is with the welfare of China and the Chinese people and with the maintenance of the historical principles which have guided United States policy in the Far East for half a century. We do indeed hope that unanimous approval of this resolution may be forthcoming and that after its adoption the conduct of all states in their relations with China will be governed by the principles contained in it.

China, we all must recognize has experienced cruel hardships and bitter sufferings from the ravages of a world war which was thrust upon her in the course of her struggle since the days of the Chinese Empire to achieve security against foreign imperialism, the establishment of democratic political institutions, and economic and social advances in the life of the people of China. World War II was followed in China by devastating civil conflict which is even yet not ended. No state should be permitted to take advantage of these disturbed conditions for purposes of self-aggrandizement by detaching areas from the territory of China or by extending its control to dominate part or the whole of that country.

All of the United Nations are only too keenly aware of the efforts of the Japanese imperialists and militarists to extend their domination over China and the rest of the Far East. These attempts, which began in the nineteenth century, were pressed forward steadily and insidiously, to the point where at last they plunged Asia and ultimately the whole world into war. The United Nations must be alert to see that the domination of China by one totalitarian power has not been displaced only to make way for the subjugation of that country to any other imperialism. The common efforts of the United Nations in rescuing China and Japan from the grasp of imperialist and militarist power must not be nullified by acquiescence in new imperialist conquest by more subtle devices than outright war.

Our purpose in submitting the joint draft resolution is to show the specific application of certain basic principles of the United Nations Charter to the existing situation in China. If the United Nations can through this resolution help all the nations to follow and give effect to those accepted principles in relation to China, the Organization will have made a notable contribution to the maintenance of general peace and to the efforts of the Chinese people to promote in China the growth of free institutions, social progress, and better standards of life in larger freedom.



## The United States in the United Nations

[December 3-9]

### General Assembly

During the twelfth week of its fourth session, the General Assembly completed action on most of the items on its agenda.

*China.*—Two Political Committee resolutions—one, of which the United States was a cosponsor, calling upon all states to respect China's independence and the other, sponsored by Cuba, Ecuador, and Peru, referring the Chinese charges against the Soviet Union to the Assembly's Interim Committee "for continuous examination and study"—were approved by the General Assembly on December 8. Chinese Ambassador Tsiang had stated in the Political Committee that favorable committee action on the Cuban-Ecuadoran-Peruvian proposal would obviate the necessity of a vote on the Chinese draft resolution, which was consequently not acted on. Ambassador Tsiang had also said in the Committee debate that although he was not opposed to the first resolution he considered it inadequate without the second.

The second resolution provides that the Interim Committee shall make recommendations on this matter to the fifth session of the General Assembly and if it deems necessary, bring it to the attention of the Secretary-General in order to report to the Security Council. The United States, which had voted against this resolution in committee, supported it in the plenary after it had been amended to expand its terms of reference to include not only the Chinese charges against the Soviet Union but also any charges of violations of the principles set forth in the resolution calling for respect of China's independence.

*Arms Census.*—On December 5, the General Assembly adopted the *Ad Hoc* Political Committee resolution approving the proposals for the submission by member states of full information on conventional armaments and armed forces and for the verification of such information, which had been formulated by the Security Council Commission for Conventional Armaments. The General Assembly also recommended in this resolution that the Security Council "despite the lack of unanimity among its members on this essential feature of its work," continue to study, through the Commission for Conventional Armaments, the regulation and reduction of such armaments and armed forces in accordance with the Commission's plan of work.

This Assembly action followed its decisive rejection of a Soviet counterresolution by which the General Assembly would recognize as essential that member states should submit information both on armed forces and conventional armaments and on atomic weapons. United States representative, John D. Hickerson, cited the persistent Soviet efforts to merge atomic energy and conventional armaments "into a hodgepodge of confusion" and noted that an additional reason for rejecting the Soviet proposal lay in its failure to provide for any means of verification. Mere submission of information would be a "snare and a delusion," he warned.

In supporting the proposals of the Commission for Conventional Armaments, Mr. Hickerson said that the work thus initiated could go forward in the hope that a feasible plan of disarmament might be evolved.

*Palestine.*—Without debate the General Assembly, on December 8, approved by a large majority the resolution creating the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Based on the interim report of the Economic Survey Mission, the resolution provides for an expenditure of \$54,900,000 for direct relief and works programs through June 1951 and recommends that direct relief be terminated by December 31, 1950, unless otherwise determined by the General Assembly.

*Refugees.*—The General Assembly, on December 3, authorized the establishment of a High Commissioner's Office for Refugees as of January 1, 1951, to provide for the protection of refugees and displaced persons after the terminations of the activities of the International Refugee Organization. The United States, which had opposed this resolution in the Social Committee, supported it in plenary after it had been amended to define more clearly the categories of persons coming within the competence of the High Commissioner's Office and to retain a greater degree of control in the General Assembly.

*Indonesia.*—After brief discussion in the *Ad Hoc* Political Committee and the plenary, the General Assembly, on December 7, adopted with only five dissenting votes, a 14-nation resolution as approved in the Committee welcoming the agreement on Indonesia reached at the round-table conference at The Hague. The resolution commended the parties concerned and the United Nations Com-

mission for Indonesia for their contributions and welcomed the forthcoming establishment of the Republic of the United States of Indonesia as an independent, sovereign state.

In the debate, the Slav states vigorously attacked the round-table agreement and all those involved in its achievement. United States Ambassador Warren R. Austin declared that the Slav attack on the Indonesian settlement was not "unexpected" in view of the Cominform's "expansionist ambitions." By branding as "traitors" legitimate Indonesian leaders, international communism laid bare its attempts to identify itself with legitimate independence movements. He termed the Hague agreement a settlement to which the United Nations could look with a "good deal of hope."

**ICEF.**—On December 2, the General Assembly unanimously approved the resolution of the Social Committee calling attention to the "urgent necessity of further contributions" to the International Children's Emergency Fund in order to permit it to carry out its program; congratulating the Fund "for its great humanitarian effort in Europe and in the Middle East, now being extended to Asia, Latin America and Africa"; and noting with concern the existence not only of children's emergency needs arising out of the war and other calamities but also the needs existing in underdeveloped countries. In order to avoid any misunderstanding, Mrs. Franklin D. Roosevelt explained that the United States did not construe this resolution as altering or broadening the Fund's original terms of reference as laid down by the General Assembly in December 1946. "We regard the Children's Fund as having been established to meet emergency needs arising out of the war, and we regard the Fund as having been successful in very much diminishing those needs." For the future, Mrs. Roosevelt said, the United States would be guided by an important study already underway on the continuing needs of children.

**South West Africa.**—After prolonged debate in both the Trusteeship Committee and the plenary, the General Assembly adopted, on December 6, a resolution inviting the Union of South Africa to resume submission of reports to the United Nations on its administration of South West Africa and to comply with the previous decisions of the General Assembly regarding this territory. The Committee draft of this resolution was amended in the plenary session to make its language less condemnatory of the Union, and a clause expressing regret that the Union had not taken into account previous General Assembly resolutions on this subject failed to obtain the necessary two-thirds vote.

The General Assembly then adopted a second resolution referring to the International Court of Justice for an advisory opinion the questions of the international status of South West Africa, the

international obligations of the Union of South Africa arising therefrom, and the applicability of chapter XII of the Charter (creating an international trusteeship system) to South West Africa.

**Other Plenary Action.**—The General Assembly, on December 2, approved the draft convention on prostitution that had been under consideration in its Social and Legal Committees and the following day adopted six Legal Committee resolutions: (1) rules for calling international conferences; (2) invitations to nonmember states to accede to the genocide convention; (3) reference of the draft convention on the declaration of death of missing persons to member states; (4) the Secretary-General's report on United Nations privileges and immunities; (5) the establishment of permanent missions at the seat of the United Nations; and (6) deferment of consideration of the question of accession by nonmember states to the revised general act for the pacific settlement of international disputes. On December 6, the General Assembly also approved the Committee's recommendations on the report of the International Law Commission including that for the transmission of the draft declaration on the rights and duties of states to members for consideration and comment. The previous day, the Assembly adopted, without debate and after the withdrawal of a Soviet and a British proposal on this subject, an Ecuadoran resolution on executions in Greece. This resolution requests the President of the General Assembly to take up with the Greek Government the suspension of political death sentences "as long as the Conciliation Committee is in existence."

#### Ad Hoc Political Committee

**Jerusalem.**—The Committee, on December 7, approved the resolution of its subcommittee calling for the internationalization of Jerusalem as a *corpus separatum* administered by the United Nations through the Trusteeship Council and asking the Trusteeship Council to proceed with the preparation and implementation of a statute for Jerusalem. Thirteen states voted against this recommendation, and eleven abstained. United States representative, John C. Ross, in opposing the subcommittee resolution, reaffirmed support of the Palestine Conciliation Commission proposals. He said that the subcommittee recommendations represented no improvement and not even a "satisfactory substitute." By confronting it with the "impossible task" of establishing a new and separate political entity for Jerusalem, the General Assembly would be asking the Trusteeship Council to fly "directly in the face" of the expressed desires of the peoples concerned. Although the draft resolution had the "appearance of complete internationalization," he continued, it "deceives" world opinion by offering no assurance that internationalization could or would be achieved. World opinion expected the United Nations to avoid "irresponsible and fruitless decisions."

## INTERNATIONAL ORGANIZATIONS AND CONFERENCES

### Calendar of Meetings<sup>1</sup>

#### Adjourned During November

ITU (International Telecommunication Union):		
Region III Frequency Conference . . . . .	Geneva . . . . .	May 18-Nov. 4
FAO (Food and Agriculture Organization):		
Far East Conference on Cooperatives . . . . .	Lucknow, India . . . . .	Oct. 23-Nov. 3
Council: Seventh Session . . . . .	Washington . . . . .	Nov. 14-
Latin American Forestry and Forest Products Commission:	Lima . . . . .	Nov. 14-19
Second Meeting.		
South Pacific Commission: Fourth Session . . . . .	Nouméa . . . . .	Oct. 22-Nov. 5
ILO (International Labor Organization):		
Tripartite Conference on Rhine Navigation . . . . .	Geneva . . . . .	Oct. 31-Nov. 5
Industrial Committee on Metal Trades: Third Session . .	Geneva . . . . .	Nov. 8-19
ICAO (International Civil Aviation Organization):		
Air Routes and Ground Aids Division Meeting: Fourth	Montreal . . . . .	Nov. 1-
Session.		
Special European-Mediterranean Regional Communications	Paris . . . . .	Nov. 9-
Committee Meeting on Aeronautical Fixed Telecommuni-		
cation Services.		
International Wheat Council: Second Session . . . . .	London . . . . .	Nov. 1-4
United Nations:		
International Children's Emergency Fund: Meeting of Exec-	Lake Success . . . . .	Nov. 2-4
utive Board.		
International Congress of Zootechny . . . . .	Paris . . . . .	Nov. 3-10
Third Inter-American Congress on Radiology . . . . .	Santiago . . . . .	Nov. 11-17
Regional Conference of Latin American Science Experts . .	Lima . . . . .	Nov. 23-30

#### In Session as of December 1, 1949

(Does not include meetings in session which were convened prior to January 1, 1949)

United Nations:		
Conciliation Commission for Palestine . . . . .	Haifa, Jerusalem, Rhodes, and Lausanne.	Jan. 17-
General Assembly: Fourth Session . . . . .	Lake Success . . . . .	Sept. 20-
Trusteeship Council Visiting Mission to West Africa . .	Cameroons and Togoland .	Oct. 25-
ITU (International Telecommunication Union):		
Meeting of the Technical Plan Committee of the Inter-	Paris . . . . .	June 23-
national High Frequency Broadcasting Conference.		
ICAO (International Civil Aviation Organization):		
Council: Eighth Session . . . . .	Montreal . . . . .	Sept. 6-
Third North American Regional Broadcasting Conference .	Montreal . . . . .	Sept. 13-
Council of Foreign Ministers: Deputies for Austria . .	New York City . . . . .	Sept. 23-
UNESCO (United Nations Educational, Scientific and Cultural		
Organization):		
International Seminar on Rural and Adult Education . .	New Delhi . . . . .	Nov. 2-Dec. 14
ILO (International Labor Organization):		
Industrial Committee on Iron and Steel: Third Session .	Geneva . . . . .	Nov. 22-Dec. 3
FAO (Food and Agriculture Organization):		
Annual Conference: Fifth Session . . . . .	Washington . . . . .	Nov. 21-

<sup>1</sup> Prepared in the Division of International Conferences, Department of State.



**Scheduled December 1, 1949 Through February 28, 1950**

<b>I.L.O. (International Labor Organization):</b>		
Advisory Committee on Juvenile Employment: First Session.	Geneva . . . . .	Dec. 5-6
Governing Body: 110th Session.	Mysore, India . . . . .	Dec. 29-Jan. 7
First Asian Regional Conference . . . . .	Colombo, Ceylon. . . . .	Jan. 16-20
Preparatory Technical Tripartite Conference on Training of Adults.	Geneva. . . . .	Jan. 23-
Committee of Social Security Experts: First Session. . . . .	New Zealand . . . . .	Feb. 8-20
111th Session of Governing Body . . . . .	Geneva. . . . .	Feb. 27-
International Conference of Experts on Pneumoconiosis . . . . .	Australia . . . . .	Feb. 28-Mar. 11
<b>United Nations:</b>		
<b>Ecococ (Economic and Social Council):</b>		
Social Commission: Fifth Session . . . . .	Lake Success . . . . .	Dec. 5-16
Subcommission on the Prevention of Discrimination and the Protection of Minorities: Third Session.	Lake Success . . . . .	Jan. 9-
Economic and Employment Commission: Fifth Session . . . . .	Lake Success . . . . .	Jan. 9-
Tenth Session . . . . .	Lake Success . . . . .	Feb. 7-
ECAFE Subcommittee on Iron and Steel: Third Meeting . . . . .	Undetermined. . . . .	February
Trusteeship Council: Sixth Session . . . . .	Geneva. . . . .	January
Caribbean Commission: Ninth Meeting . . . . .	St. Thomas, Virgin Islands . . . . .	Dec. 5-10
Port-au-Prince Bicentennial Exposition . . . . .	Port-au-Prince . . . . .	Dec. 8-
Tenth International Ornithological Congress . . . . .	Washington . . . . .	Dec. 16-18
<b>ICAO (International Civil Aviation Organization):</b>		
Legal Committee: Fifth Session . . . . .	Taormina, Sicily. . . . .	Jan. 5-
Council: Ninth Session . . . . .	Montreal . . . . .	Jan. 24-
Meteorological Division: Third Session . . . . .	Paris. . . . .	Feb. 14-
Committee on the 1950 Census of the Americas: Third Session.	Bogotá . . . . .	Jan. 9-
<b>WHO (World Health Organization):</b>		
Executive Board: Fifth Session. . . . .	Geneva. . . . .	Jan. 16-
Second Session of the Inter-American Statistical Institute . . . . .	Bogotá . . . . .	Jan. 16-28
<b>FAO (Food and Agriculture Organization):</b>		
Nutrition Committee for Southeast Asia. . . . .	Rangoon . . . . .	Jan. 30-
International Rice Commission: Second Meeting . . . . .	Rangoon . . . . .	January or February
North Atlantic Westbound Freight Conference . . . . .	London. . . . .	Jan. 31-
Four-Power Discussions Regarding Swiss-Allied Accord . . . . .	Bern . . . . .	January or February
<b>GATT (General Agreement on Tariffs and Trade):</b>		
Fourth Session . . . . .	Geneva. . . . .	Feb. 23-

## Improvements in Telegraph Rates and Regulations

[Released to the press November 4]

Improvements in the international telegraph rate structure and desirable changes in the telegraph operating regulations were decided upon by the Paris International Telegraph and Telephone conference, according to a report submitted recently to the Secretary of State by Wayne Coy, Chairman of the Federal Communications Commission. The Conference, sponsored by the International Telecommunication Union (ITU) and held under the auspices of the French Government, met at Paris, May 18 to August 5, 1949. Sixty-eight countries, members of the ITU, took part in the meeting. Mr. Coy was chairman and Francis Colt deWolf, Chief of the Telecommunications Policy Staff, Department of State, was vice chairman of the United States delegation to the Conference.

In recognition of developments in telegraphy since 1938, the Paris conference was convened for the purpose of revising the international telegraph

regulations and the international telephone regulations signed at Cairo in 1938. Since the United States had no intention of signing international telephone regulations, and since these regulations relate at present only to the European area, the interest of the United States delegation was primarily in telegraph matters. According to Mr. Coy's report, the principal decisions taken on telegraph tariff matters involving the United States were:

(1) Unification of rates for telegrams in any language (i.e., plain or secret including code), effective July 1, 1950, at 75 percent of the full rates in force on February 1, 1950. This decision is applicable to government as well as to private telegrams. Unification on a corresponding basis was also decided upon for urgent plain language and code rates.

(2) Elimination of the deferred (LC) class of message.

(3) Establishment of a coefficient for letter telegrams of 50 percent of the new unified rate, and improvement in and clarification as to the kind of service to be given to letter telegrams.

(4) Revision of the regulations with respect to the counting of words in telegrams so as to provide that in any telegram, whether in plain or secret language, each word appearing in a standard dictionary of one of the admitted languages, each word in common use in one of those languages, and certain specified expressions, are to be counted at 15 characters to the word, plus 1 word for each additional 15 characters or fraction thereof in excess.

(5) Establishment of a coefficient for urgent telegrams of double the new unified rate for ordinary telegrams.

(6) Establishment of a minimum charge for 5 words for any telegram, except letter and press telegrams, for which the minima were fixed at 22 and 10 words, respectively.

(7) Agreement upon a new regulation that the rates to be charged for government ordinary telegrams, whether or not priority is requested, shall be the same as the rates charged for private ordinary telegrams. The effectiveness of this regulation is, however, qualified by a specific recognition of existing special arrangements under which special rates are provided for government telegrams.

The revised regulations will enter into force on July 1, 1950, with respect to the countries which adhere formally to them. Other decisions made by the Conference referring to revision of the existing international telegraph regulations concern the setting up of accounts, the establishment of a central clearing house for the settlement of accounts, the payment of balances, and a number of technical operating matters.

Although for many years a party to international telecommunication conventions, the United States has not heretofore become a party to the international telegraph regulations because of the problems involved in reconciling the provisions of those regulations with the United States system of private ownership and operation of the public-communications service, subject to governmental regulation. However, after considering the views of the telegraph industry and users, this Government concluded that it should participate in the Paris meeting in the interest of developing regulations to which the United States may adhere.

At the conclusion of the Paris conference, the United States delegation signed the telegraph regulations as revised at the Conference, but did so with certain specific reservations regarding various provisions of the regulations. This signing does not represent formally binding acceptance of the regulations because such acceptance requires further action by this Government.

In summarizing the accomplishments of the conference, Mr. Coy in his report pointed out that there is still room for substantial improvement to be made in the telegraph regulations. The Paris conference recognized this in deciding to refer various questions to the International Telegraph Consultative Committee for study in preparation for the next general conference.

## FAO Establishes Headquarters at Rome

[Released to the press December 1]

At their meeting in Washington, the members of the Food and Agriculture Organization voted on

November 28 to establish the headquarters of the organization at Rome.

It is a source of particular pleasure that democratic Italy should have received this vote of confidence from the members of this important international organization. The United States Government has on a number of occasions clearly and forthrightly expressed its belief that Italy should become a member of the United Nations itself: a membership to which Italy justly aspires, and which she is prevented from attaining by actions of another government. That Italy, a member not only of FAO but also of other important international organizations, should now be selected as a host of the FAO is another clear indication that not only the United States but also many other governments place a high value on Italy's position among the free and democratic nations of the world.

## Maxwell M. Hamilton Appointed U.S. Representative on FEC

Maxwell M. Hamilton was sworn in on December 1 as United States representative on the Far Eastern Commission, with the personal rank of Ambassador. Mr. Hamilton, a Foreign Service officer, succeeds Maj. Gen. Frank R. McCoy (retired). The President accepted General McCoy's resignation on November 11 and appointed Mr. Hamilton to succeed him effective November 30.

## Fifth Session of Social Commission of ECOSOC

The Department of State announced on December 2 that Arthur J. Altmeyer, Commissioner for Social Security, Social Security Administration of the Federal Security Agency, will attend the fifth session of the Social Commission of the United Nations Economic and Social Council, scheduled to be held at Lake Success, December 5-16. Mr. Altmeyer is United States representative to the Social Commission. Advisers to the United States representatives will be: Roger W. Grant, Division of United Nations Economic and Social Affairs, Department of State; Louis K. Hyde, Jr., United States Mission to the United Nations, New York; and Dorothy Lally, technical assistant, Office of Commissioner, Social Security Administration, Federal Security Agency.

The provisional agenda provides for consideration of United Nations programs of work in such fields as child welfare, housing and urban and country planning, prevention of crime and the treatment of offenders, and social rehabilitation of the physically handicapped, and other related items.

## THE RECORD OF THE WEEK

### Arrangements Made for Consul General Ward To Leave Mukden

*[Released to the press December 2]*

Consul General Angus Ward reported this morning in a telephone conversation to Consul General O. Edmund Clubb at Peiping that he had received a message from the Mukden Municipal Government to the effect that he, together with all foreign members of the consulate general staff and their dependents, must leave Mukden within 48 hours after 8 a.m. Monday, December 5.

Mr. Ward also reported that they would travel via Tientsin and that permission had been given for a local firm to handle packing and transportation of personal effects, as well as their own travel.

Mr. Ward earlier had written the Mayor of Mukden asking that he be informed on Saturday of the date when he and his staff could expect transportation facilities. He also had asked for advance notice of 3 days in which to make final preparations.

The Department of State accordingly expects that Mr. Ward and the staff and their dependents will leave Mukden early next week by train to Tientsin. Arrangements are being made for onward transportation from Tientsin for Mr. Ward and his staff to enable them to depart as soon after their arrival as possible.

### Vice Consul William H. Stokes Escorted to "Court"; Then Released

Vice Consul William N. Stokes returned to the American consulate general in Mukden on November 26, 7 hours after he had been escorted off to attend a hearing in connection with "spy charges."

The Chinese Communists removed Stokes from the consulate general at 9 a.m. on November 26 (8 p.m. November 25, Washington time).

Consul General Angus Ward reported from Mukden on November 27 that Stokes had attended

as an observer a Chinese Communist "Peoples Court" where an alleged "American spy ring" was on trial. None of the American consulate general staff was named in the trial which seemed to be the final hearing for ten persons in the case. All of the accused were Chinese, Japanese, or Koreans, and sentence was passed against all.

Without having been named in the trial, however, all non-Chinese members of the consulate general staff in Mukden were sentenced to deportation. No date was set for the deportation of the staff.

After Stokes had been taken to "court", Consul General Angus Ward informed Consul General O. Edmund Clubb at Peiping in a telephone conversation of Stokes' detention.

Mr. Ward said he had been refused permission to accompany Stokes to the hearing. He also stated he had been unable to ascertain whether Stokes was to appear as a witness or a defendant or in what capacity.

At 3:45 p.m., November 26, (China time) Mr. Ward reported that Stokes had not returned and that he had been unable to obtain any information of any kind on his detention.

The Department of State instructed Consul General Clubb to file the strongest protest with Chinese Communist authorities in Peiping over this unwarranted treatment.

In connection with the "spying charges" referred to by Mr. Ward, the Department presumes these are the same fantastic charges which were leveled by the Chinese Communists in a North China News Agency report datelined Mukden, June 18, 1949.

At that time (June 22), the Department stated "categorically that no member of the staff of the consulate general is or has been involved in espionage activities. Specifically, they are not and have not been involved in any way with the individuals or alleged activities mentioned in the North China News Agency report."

The Department reiterated categorically that any allegations that members of the consulate general staff in Mukden engaged in espionage are ridiculous and absolutely false.

Mr. Ward reported that he had not yet been informed when he and the four involved with him in the earlier trial would be deported.



## Attacks on United States Shipping by the Chinese

*Statement by Secretary Acheson*

[Released to the press November 30]

Without becoming involved in technicalities, I would like to state very simply what the Department of State's position has been and is regarding the port closure order of the Chinese Nationalist Government. From the outset this government refused to accept the port closure as constituting a legal blockade. That decision stands. Immediately upon the receipt of the Chinese Government's port closure order, steps were taken to inform American shipping companies, and later amendments to it were brought to their notice. It was also stated that any American ship which went into one of the closed ports would do so on its own responsibility. Moreover, to any reader of the newspapers it has been apparent since last June that by reason of Nationalist naval and air activity in the port of Shanghai and its approaches, the area was in effect an area of hostilities and, in consequence, hazardous.

To my knowledge, no American ship entered or attempted to enter Shanghai from late June, when the port was stated to be closed, until late September, when arrangements had been made and publicly announced for the entrance of the *General Gordon*. As was stated at that time, the owners of the *General Gordon* secured through their local agents the assurance of the Shanghai authorities that the ship would not be molested during its call. It was similarly announced that the Department of State had secured from the Nationalist Government in Canton assurances that its entrance and departure from Shanghai would not be interfered with in any fashion. All this was a matter of public knowledge.

At about this time, one American shipping line determined to start sending its ships into Shanghai. This line requested the Navy Department to provide a Naval escort which was refused, on the grounds that it was not this government's policy to convoy American shipping through the so-called "blockade." That remains our policy.

That same line has continued to send ships into Shanghai, notwithstanding the fact that the first two were detained for a considerable period by Nationalist patrol vessels after leaving Shanghai. More recently, two vessels of this line have been involved in incidents in which they have been shelled by Nationalist vessels. That is a serious matter. Fortunately, no one was hurt. Nevertheless, the endangering of American lives is, as I said, a serious matter. We immediately protested

to the Nationalist Government and requested an explanation.

I should like to commend the prudence, wisdom, and perceptiveness displayed by the American shipping lines in the Pacific which during this troubled period have omitted Shanghai from their port of call. There has been only one exception among them, which I have already referred to above.

## U.S. Protests to Chinese Communists in Smith-Bender Case

*Statement by Secretary Acheson*

[Released to the press November 30]

I believe most of you are familiar with the general background of the case of Chief Electrician William C. Smith and Master Sergeant Elmer C. Bender who, since their disappearance on October 19, 1948, have been detained by the Communist authorities, in the vicinity of Tsingtao, China, under conditions which have prevented them from communicating with their families or others interested in their welfare.

In contravention of all accepted principles and practices of international behavior the United States Government has not been informed in any way, despite repeated inquiries, of the reasons for or the circumstances surrounding their detention.

The staff of the American consulate general at Tsingtao has not been permitted to get in touch with the men to ascertain their exact whereabouts and welfare. Heretofore, the efforts of the consulate general at Peiping to ascertain the facts in this case and to obtain the release of Mr. Smith and Mr. Bender have also been ignored. A further letter has now been addressed to the authorities of the recently established Communist regime at Peiping.

The Chinese Communist authorities are apparently unaware that the international practice of civilized countries for many years has recognized that consuls should be afforded full opportunity for the proper conduct of their duties in the protection of their nationals.

These men have been held for over a year completely incommunicado from their consular representatives and from members of their families. I should like to emphasize that American public and official opinion which has been deeply concerned about these violations of accepted international procedures is now thoroughly indignant over the inhumane treatment which continues to be accorded these two American citizens and the hardship and suffering being experienced by their families.

## International Christian University Proposed for Japan

*Statement by Secretary Acheson*

[Released to the press November 30]

I should like to call your attention to a project which is being undertaken by a foundation in New York under the leadership of Dr. Ralph E. Diefendorfer and Dr. John Coventry Smith to establish an International Christian University in Japan. Joseph C. Grew, former Under Secretary of State, is national chairman of a campaign to raise funds in this country and Canada to finance the undertaking.

I think this is an excellent project. A university of this character can do a great deal of constructive good in an educational way and for the development of democracy in Japan. General MacArthur has heartily endorsed the project, and I am informed that the Japanese themselves have already subscribed over 150 million yen, 95 percent of the contributors being non-Christian.

The university is to be nonsectarian and the emphasis is to be on maintaining the highest academic standards. The faculty, both Japanese and international, is to be Christian, but there is to be no attempt to proselytize, for freedom of religion is one of the most important of the freedoms.

Many prominent people in the United States and Canada are supporting the project. Such a university cannot fail to play an important part in Japan's future, and I think the project deserves the interest and support of all of us in our own interests as well as in the interests of Japan.

## Defense Committee Studies Assistance Program

*Statement by Secretary Acheson*

[Released to the press November 30]

The Mutual Defense Assistance Program is proceeding along the careful lines laid down by the Congress. Shipments of equipment and material will not be made until bilateral agreements are signed with the nations requesting such aid. Negotiations on agreements with eight Atlantic pact countries are in the final stages. Up to 100 million dollars of program funds may be expended immediately after these agreements are signed.

The bulk of the funds appropriated for the

Atlantic pact countries, 900 million dollars, may be expended after recommendations for an integrated defense of the North Atlantic area are approved by the President. The Defense Committee of the North Atlantic Treaty nations is meeting in Paris, December 1, and action on these recommendations will likely be expedited as a result of decisions taken there.

The Mutual Defense Assistance organization, both in Washington and abroad, is nearing completion although final details will probably not be worked out until the return of Director James Bruce from Europe within the next 2 or 3 weeks.

There is a committee in London, the European Coordination Committee, which is composed of Ambassador Lewis Douglas, chairman; Gen. Thomas T. Handy, representative of the Department of Defense; and Ambassador W. Averill Harriman, special representative for the Economic Cooperation Administration. This group is concerned with the policy aspects of the Mutual Defense Assistance Program in Europe. Lt. Col. C. H. Bonesteel III, who left Saturday for London, has been designated Executive Director for Mutual Defense Assistance Overseas and will act as agent for this Committee.

## U.S. Signs Friendship Treaty With Uruguay

*Statement by Secretary Acheson*

[Released to the press November 30]

The signature of the treaty of friendship, commerce, and economic development by the United States and Uruguay, on November 23, is an important and gratifying development.<sup>1</sup>

The treaty with Uruguay is the most recent in a series which began in 1778, when we signed a commercial treaty with France. It is the first such treaty signed with a South American country in this century.

The treaty deals with the rights of citizens of each country to live, carry on commerce, practice their professions, and enjoy protection of law in the other country.

It provides, for example, that citizens of one country may set up and operate business enterprises in the other on the same footing as citizens of that country. They will also be able to obtain entry into that country for managers and technicians from their own country who are needed in order to operate their enterprises effectively. They will be permitted to withdraw from the country the earnings of their invested capital in equi-

<sup>1</sup> BULLETIN of Dec. 5, 1949, p. 866.

table and adequate amounts. Should their property be taken by the government of the other country for any reason, they will receive adequate compensation.

These and similar provisions should encourage United States citizens who may be considering investing capital and technical know-how in enterprises which will contribute to the advancement of the Uruguayan economy.

The treaty is an illustration of the kind of agreement contemplated by article 12 of the Habana Charter for an International Trade Organization, in the framing of which both Uruguay and the United States participated.

#### *Message from President Truman*

*[Released to the press December 2]*

The President today sent the following message to Luis Batlle Berres, the President of Uruguay:

I have been pleased to receive a report from the United States Ambassador to Uruguay of the signing in Montevideo on November 23, 1949, of a Treaty of Friendship, Commerce and Economic Development between Uruguay and the United States. Between our two nations understanding and friendship are both real and axiomatic. I welcome this noteworthy development in our relations at a time when international cooperation must compete for attention with threats of international anarchy. In this treaty we have reaffirmed and pledged mutual principles and practices of basic importance to closer economic collaboration and increased commercial interchange in a free world.

HARRY S. TRUMAN

### **Policy on Elimination of Cartel and Other Trade Restrictions**

*[Released to the press December 1]*

One aspect of this government's foreign economic policy is the elimination of cartel and other private restrictions on the growth of international trade. When the International Trade Organization is created, we will have an international mechanism for dealing with these practices, as provided in chapter V of its charter.

At the present time, we are much concerned that the growth of such private arrangements may hamper the program for European recovery. Our program in Europe seeks to establish a higher

standard of living and viability of the European economy. These objectives, we feel, can be gained only by increased efficiency and productivity of European industry, stimulated by the creation of a broader competitive market. They cannot be attained if private restrictive arrangements to fix prices, divide territories of sale, or limit production simply replace government barriers such as quotas and tariffs. In addition, cartel arrangements, by preventing sales by European firms to hard-currency areas, can interfere with efforts to overcome the dollar deficiencies of the participating countries.

The ECA bilateral treaties with the Western European countries participating in the Recovery Program contain provisions for mutual attack on this problem. In line with these provisions, we are assisting the participating countries at every opportunity in taking action to remove these barriers.

The decartelization program in Western Germany is an important element in this aspect of achieving general European recovery. The United States High Commissioner is pressing for vigorous implementation of this program, and the West German Republic has given its commitment to the Allied High Commission to take action in this field.

In Japan, where economic recovery is also of major importance, it is clearly our policy to eliminate and prevent the reestablishment of restrictive practices and the monopolistic combines with which one is familiar. Competition, spur to efficiency, is the catalyst of economic recovery there as in Europe.

### **U.S. Position in Panama Coup d'État**

Recent events in Panama are a serious blow to progress of democratic principles and to the inter-American system in general, Edward G. Miller, Jr., Assistant Secretary for inter-American affairs said at a press conference on November 25.

The National Police refused to abide by the decision of the duly constituted authorities of Panama and installed Arnulfo Arias as President. Mr. Miller said that this act has left the United States Government with a feeling of profound shock. In view of these circumstances, he continued, diplomatic relations between the United States and the Arias regime in Panama do not exist.

In referring to the decision of the duly constituted authorities, Mr. Miller was making reference to the action taken, on November 24, by the National Assembly and Supreme Court of Panama in confirming President Chanis in his office.

"Obviously," the Assistant Secretary said, "a question of diplomatic relations arises. As Secretary Acheson stated in his speech of September 19:

*Department of State Bulletin*



'When freely elected government is overthrown and a new and perhaps militaristic government takes over, we do not need to recognize the new government automatically and immediately. We can wait to see if it really controls its territory and intends to live up to its international commitments. We can consult with other governments as we have often done.'"

Mr. Miller said that the United States will probably wish to commence consultations and exchange of views with the other American Republics as soon as the situation becomes completely clarified.

*Statement by Secretary Acheson*

[Released to the press November 30]

I fully endorse the statements made by Assistant Secretary Miller in his press conferences of Tuesday and Friday of last week regarding the deplorable disruption during the past 10 days of constitutional and democratic processes of government in Panama.

This government does not have diplomatic relations with the regime of Arnulfo Arias. Views will be exchanged with the other American Republics regarding aspects of the situation in Panama. These exchanges will commence when political developments in Panama are more fully clarified.

## Statements on U.S. Minister in Bulgarian Trial Fabricated

[Released to the press December 1]

The Department of State has noted that in the Bulgarian Government's indictment against former Vice Premier Traicho Kostov for treason and espionage, it is alleged that in 1947 the American Minister, Donald R. Heath, had two interviews with Kostov who was then Acting Prime Minister. Mr. Heath, according to the indictment, told Kostov to coordinate his activities with Tito and the leaders of Yugoslavia. According to this fanciful tale, based on the now familiar type of "confession" which appears to have been made by Kostov, his plots to overthrow his government were carried forward on the basis of his understanding with Mr. Heath.

This crude attempt to accuse the United States Government and its official representative in Bulgaria of being involved in clandestine efforts to overthrow the Bulgarian Government follows the pattern of the Rajk trial in Hungary and similar travesties of the judicial process held elsewhere in Communist countries.

The statements concerning Minister Heath are completely fabricated. From the date of his arrival in Bulgaria in October 1947 to the present, he has never had an interview of any kind with Traicho Kostov. In fact, he has never exchanged a single word, oral or written, with him. This single fact affords ample basis for judging the veracity of the indictment.

## Embargo on Arms Shipments to Albania and Bulgaria

*Statement by Secretary Acheson*

[Released to the Press November 30]

On November 18, 1949, by a vote of 50 to 6 and with but 2 abstentions, the General Assembly of the United Nations adopted a resolution on the Greek case which, among other things, recommended to all members of the United Nations and to all other states to refrain from the direct or indirect provision of arms or other materials of war to Albania and Bulgaria until the United Nations Special Committee on the Balkans or another competent United Nations organ has determined that the unlawful assistance of Albania and Bulgaria to the Greek guerrillas has ceased.

The United States will abide faithfully by this recommendation and is continuing in force all necessary measures to insure that no arms or other materials of war are made available to the Albanian or Bulgarian regimes from or through areas under American control and jurisdiction. Accordingly, this government will continue its policy of refusing to permit the export of such materials to Albania and Bulgaria and will take all possible steps itself and in cooperation with other nations to suppress clandestine traffic to those countries.

## THE DEPARTMENT

### Harry C. Hawkins Appointed Director of Foreign Service Institute

The Department of State announced on December 1 that Harry C. Hawkins, professor of international economic relations at the Fletcher School of Law and Diplomacy, Tufts College, Medford, Massachusetts, has been selected for the position of Director of the Foreign Service Institute. Mr. Hawkins will succeed Dr. William P. Maddox, who has been in the position since July 1946. Dr. Maddox has been assigned first secretary at the American Embassy in Lisbon.

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# Contributors

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*George P. Shaw*, author of the article on the traveling in the Americas, served as chairman of the United States delegation to the Congress while he was assigned as American Ambassador at Managua, Nicaragua.

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